LIVY

WITH AN ENGLISH TRANSLATION

IN FOURTEEN VOLUMES

II

BOOKS III AND IV

TRANSLATED BY

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LIVY

II

BOOKS III AND IV

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TRANSLATOR'S PREFACE

The Latin text of Vols. II. to IV. (comprising Books III.–X.) has been set up, like that of Vol. I., from the latest revisions of the Weissenborn-Mueller edition with German notes, except that the *Periochae* have been reprinted from the text of Rossbach (1910). But the spelling is that adopted by Professors Conway and Walters in their critical edition of Books I.–V. and Books VI.–X. (Oxford, 1914 and 1919), which is the source also of most of the rather numerous readings which differ from those of the Weissenborn-Mueller text, and has furnished besides the materials from which the textual notes have been drawn up. I have aimed to record every instance where the reading printed does not rest on the authority of one or more of the good MSS., and to indicate the provenience of the emendation. In addition to the symbols used by the Oxford editors, I have employed Ω to designate such of the good MSS. as are not cited specifically for some other reading, and ς to designate one or more of the late MSS. or early printed texts.

Besides the translations mentioned in the preface to Vol. I. (those of Philemon Holland, George

Baker, and Canon Roberts) I have had by me the anonymous version printed in London in 1686, in folio, "for Awnsham Churchill at the Black Swan in Ave-Mary Lane, near Paternoster Row."

I am also indebted to the following editions of parts of Livy: Book III. by P. Thoresby Jones, Oxford, 1914; IV. by H. M. Stephenson, Cambridge, 1890; V. by Leonard Whibley, Cambridge, 1910; V.–VII. by Cluer and Matheson, Oxford, 1904; VI. by F. H. Marshall, Cambridge, 1908; IX. by W. B. Anderson, Cambridge, 1909, and by T. Nicklin, Oxford, 1910. The commentaries of Weissenborn-Mueller and Luterbacher have, of course, been constantly consulted.

B. O. F.

In the second impression of this volume a number of misprints and one or two errors of translation have been corrected. I wish to thank Prof. G. R. Noyes of the University of California, and Mr. O. J. S. Satchel of the Boys' High School, Kimberley, South Africa, for the notes of errata with which they very kindly furnished me.

August, 1939.

THE MANUSCRIPTS

V = Veronensis, 4th century.
F = Floriacensis, 9th century.
P = Parisiensis, 10th century.
E = Einsiedlensis, 10th century.
H = Harleianus prior, 10th century.
T = Thuaneus, 10th century.
B = Bambergensis, 10th or 11th century.
M = Mediceus, 10th or 11th century.
Vorm. = Vormatiensis (as reported by Rhenanus).
R = Romanus, 11th century.
U = Upsaliensis, 11th century.
D = Dominicanus, 11th or 12th century.
L = Leidensis, 12th century.
A = Aginnensis, 13th century.
a = later part of *A*, 14th century.
Frag. Haverk. = Fragmentum Haverkampianum (cf. Conway and Walters, vol. i., Praef. ix.[1]).
M^1, M^2, etc., denote corrections made by the original scribe or a later corrector. When it is impossible to identify the corrector M^x is employed.
Ω = such of the above MSS. as contain the passage in question and are not otherwise reported.
ς = one or more of the late MSS. or early printed texts.

ABBREVIATIONS

Ald. (or ed. Ald) = the Aldine edition, Venice, 1518.
Cassiod. = Cassiodorius.
Class. Quart. = *The Classical Quarterly*, London, 1907 ff.
C.I.L. = *Corpus Inscriptionum Latinarum*, vol. i.[2] Berlin, 1893–5.
Diod. = Diodorus Siculus.
Dion. Hal. = Dionysius of Halicarnassus.

LIVY

FROM THE FOUNDING OF THE CITY

BOOK III

T. LIVI

AB URBE CONDITA

LIBER III

A.U.C. 287

I. Antio capto T. Aemilius et Q. Fabius consules fiunt. Hic erat Fabius[1] qui unus exstinctae ad Cremeram genti superfuerat. Iam priore consulatu
2 Aemilius dandi agri plebi fuerat auctor; itaque secundo quoque consulatu eius et agrarii se in spem legis erexerant, et tribuni, rem contra consules saepe temptatam adiutore utique consule obtineri posse rati, suscipiunt; et consul manebat in sententia sua.
3 Possessores et magna pars patrum, tribuniciis se iactare actionibus principem civitatis et largiendo de alieno popularem fieri querentes, totius invidiam
4 rei a tribunis in consulem averterant. Atrox certamen aderat, ni Fabius consilio neutri parti acerbo

[1] Fabius ς : Fabius Quinctius Ω.

LIVY

FROM THE FOUNDING OF THE CITY

BOOK III

I. After the capture of Antium, Titus Aemilius and Quintus Fabius were elected consuls. This was that Fabius who had been the sole survivor of his family destroyed at the Cremera.[1] In his former consulship Aemilius had already supported the assignment of land to the plebs. Consequently, when he entered a second time upon the office, not only had the agrarians begun to have hopes of a law, but the tribunes, who had often tried to carry the measure against the opposition of the consuls, now took it up in the belief that with the co-operation of a consul it could certainly be made good; and the consul continued of the same mind. The possessors of the land, comprising a large proportion of the patricians, complained that the head of the state was openly supporting tribunician policies and making himself popular by a generosity exhibited at other men's expense; they thus diverted the resentment awakened by the whole affair from the tribunes to the consul. A bitter struggle was impending, when Fabius, by a proposal which neither side found injurious, set the B.C. 467

[1] See II. l. 11.

A.U.C. 287 rem expedisset: T. Quincti[1] ductu et auspicio agri
5 captum[2] priore anno aliquantum a Volscis esse; Antium, opportunam[3] et maritimam urbem, coloniam deduci posse; ita sine querellis possessorum plebem in agros ituram, civitatem in concordia fore. Haec
6 sententia accepta est. Triumviros agro dando creat
7 T. Quinctium A. Verginium P. Furium. Iussi nomina dare qui agrum accipere vellent. Fecit statim, ut fit, fastidium copia, adeoque pauci nomina dedere ut ad explendum numerum coloni Volsci adderentur; cetera multitudo poscere Romae agrum malle quam
8 alibi accipere. Aequi a Q. Fabio—is eo cum exercitu venerat—pacem petiere, inritamque eam ipsi subita incursione in agrum Latinum fecere.

A.U.C. 288–289 II. Q. Servilius[4] insequenti anno—is enim cum Sp. Postumio consul fuit—in Aequos missus in Latino agro stativa habuit.[5] Quies necessaria morbo im-
2 plicitum exercitum tenuit. Extractum in tertium annum bellum est Q. Fabio et T. Quinctio consulibus. Fabio extra ordinem, quia is victor pacem
3 Aequis dederat, ea provincia data. Qui haud dubia spe profectus famam nominis sui pacaturam Aequos, legatos in concilium gentis missos nuntiare iussit Q. Fabium consulem dicere se ex Aequis pacem

[1] T. Quincti *Rς*: L. Quincti (*or* Quinti) Ω.
[2] captum *Cobet*: capti Ω.
[3] opportunam *Madvig*: propinquam opportunam Ω.
[4] Q. Servilius ς: Quintius (*or* Quinctius) Seruilius Ω.
[5] stativa habuit *POHς*: statiua habuit castra *MURDLς*: statiua abiit; castra *F*.

matter right. Under the leadership and auspices of Titus Quinctius, as he pointed out, a considerable territory had been conquered the year before from the Volsci; Antium, a well-situated maritime city, could be made the seat of a colony; in this way the plebs would obtain farms without causing the landholders to complain, and the state would be at harmony. This suggestion was adopted. As commissioners for distributing the land Fabius appointed Titus Quinctius, Aulus Verginius, and Publius Furius, and it was ordered that those who wished to receive grants should give in their names. There at once appeared the fastidiousness which usually attends abundance, and so few persons enrolled that Volscian colonists were added to fill out the number; the rest of the populace preferred demanding land at Rome to receiving it elsewhere. The Aequi begged Quintus Fabius, who had invaded their country, to grant them peace; and broke it themselves by a sudden raid on Latin territory. B.C. 467

II. Quintus Servilius, being sent against the Aequi in the following year—when he and Spurius Postumius were consuls—made a permanent camp in the Latin country, where the army was attacked by a pestilence which deprived it of the power to act. The war dragged on into its third year, the consulship of Quintus Fabius and Titus Quinctius. To Fabius was given the command against the Aequi, without the customary drawing of lots, since he had been victorious over them and had granted them peace. Setting out in the full expectation that the glory of his name would bring the enemy to terms, he sent envoys to their national council and bade them announce that Quintus Fabius the consul said that B.C. 466–465

A.U.C. 288–289

Romam tulisse, ab Roma Aequis bellum adferre
eadem dextera armata quam pacatam illis antea
4 dederat. Quorum id perfidia et periurio fiat deos
nunc testes esse, mox fore ultores. Se tamen,
utcumque sit, etiam nunc paenitere sua sponte Aequos
5 quam pati hostilia malle. Si paeniteat, tutum re-
ceptum ad expertam clementiam fore: sin periurio
gaudeant, dis magis iratis quam hostibus gesturos
6 bellum. Haec dicta adeo nihil moverunt quemquam
ut legati prope violati sint exercitusque in Algidum
7 adversus Romanos missus. Quae ubi Romam sunt
nuntiata, indignitas rei magis quam periculum con-
sulem alterum ab urbe excivit. Ita duo consulares
exercitus ad hostem accessere acie instructa ut con-
8 festim dimicarent. Sed cum forte haud multum
diei superesset, unus ab statione hostium exclamat:
9 "Ostentare hoc est, Romani, non gerere bellum. In
noctem imminentem aciem instruitis; longiore luce
ad id certamen quod instat nobis opus est. Crastino
die oriente sole redite in aciem; erit copia pugnandi;
10 ne timete." His vocibus inritatus miles in diem
posterum in castra reducitur, longam venire noctem
ratus quae moram certamini faceret. Tum quidem
corpora cibo somnoque curant; ubi inluxit postero

B.C. 466–465

he had brought peace from the Aequi to Rome, and was then bringing war from Rome to the Aequi in the same right hand, now armed, which he had formerly given them in friendship. Whose faithlessness and perjury were responsible for this, the gods were even then witnesses, and would presently punish the offenders. Yet however that might be, he would himself prefer that the Aequi should even now freely repent, instead of suffering the penalties of war. If they did so, they could count on a safe refuge in the clemency they had already proved; but if they rejoiced in perjury, it was rather with the angry gods than with their enemies that they would be at war. So far were these words from having the slightest effect on anyone, that the envoys narrowly escaped violation, and an army was dispatched to Algidus against the Romans. On the arrival of this news at Rome, the insult, rather than the danger, brought the other consul out from the City. And so two consular armies approached the enemy, drawn up in line of battle, that they might instantly engage them. But since it happened to be near the end of the day, a man called out to them from an outpost of the enemy, "This, Romans, is making a parade of war, not waging it. When night is about to fall, you draw up your battle-line; we need more hours of daylight for the struggle which is close at hand. To-morrow at sunrise form your battle-line again; there will be opportunity for fighting, never fear!" Galled by these words the troops were led back to their camp to await the morrow; the night would be a long one, they felt, that must intervene before the combat. Meanwhile they refreshed themselves with food and

A.U.C. 288-289

die, prior aliquanto constitit Romana acies; tandem
11 et Aequi processere. Proelium fit utrimque ve-
hemens, quod et Romanus ira odioque pugnabat et
Aequos conscientia contracti culpa periculi et
desperatio futurae sibi postea fidei ultima audere
12 et experiri cogebat. Non tamen sustinuere aciem
Romanam Aequi; pulsique cum in fines suos se
recepissent, nihilo inclinatioribus ad pacem animis
ferox multitudo increpare duces, quod in aciem, qua
pugnandi arte Romanus excellat, commissa res sit;
13 Aequos populationibus incursionibusque meliores
esse, et multas passim manus quam magnam molem
unius exercitus rectius bella gerere.

III. Relicto itaque castris praesidio egressi tanto
cum tumultu invasere fines Romanos ut ad urbem
2 quoque terrorem pertulerint. Necopinata etiam res
plus trepidationis fecit, quod nihil minus quam ne
victus ac prope in castris obsessus hostis memor
3 populationis esset timeri poterat, agrestesque pavidi
incidentes portis non populationem nec praedonum
parvas manus, sed omnia vano augentes timore
exercitus et legiones adesse hostium et infesto
4 agmine ruere ad urbem clamabant. Ab his proximi[1]
audita incerta eoque vaniora ferre ad alios. Cursus

[1] proximi ς: proxume *MRD*: proxime *VL*: proximum (-umum *H*) Ω.

B.C. 466-465

sleep. When it grew light next morning, the Roman army took the field, some time before the enemy. At last the Aequi too came out. The battle raged fiercely on both sides, for the Romans fought with exasperation and hatred, while the Aequi were conscious that the danger in which they were involved was due to their own fault, and this, with their despair of ever being trusted again, incited them to the last degree of daring and exertion. Nevertheless they were unable to withstand the attack of the Romans. And yet, when they had been defeated and had fallen back to their own territory, the warlike soldiers, their spirit as little inclined to peace as ever, complained against their generals for having staked the cause on a pitched battle, a species of fighting in which the Romans excelled; the Aequi, they said, were better at pillaging and raiding, and a number of scattered bands could make war more effectively than the great mass of a single army.

III. Leaving a garrison, therefore, in their camp, they crossed the Roman border in so headlong an incursion as to carry terror even to the City. Moreover, the unexpectedness of the inroad added to the alarm, for nothing could have been apprehended less than that an enemy who was defeated and almost shut up in his camp should be thinking of a raid; and the country people who in their fright came tumbling in through the gates told not of pillaging nor of small bands of raiders, but, exaggerating everything in their senseless fear, cried out that whole armies of the enemy were close at hand and rushing on the City in a serried column. The very vagueness of these rumours led to further exaggera-

A.U.C. 288-289

clamorque vocantium ad arma haud multum a pavore
5 captae urbis abesse. Forte ab Algido Quinctius consul redierat Romam. Id remedium timori fuit; tumultuque sedato victos timeri increpans hostes
6 praesidia portis imposuit. Vocato dein senatu cum ex auctoritate patrum iustitio indicto profectus ad tutandos fines esset Q. Servilio praefecto urbis relicto,
7 hostem in agris non invenit. Ab altero consule res gesta egregie est; qui, qua venturum hostem sciebat, gravem praeda eoque impeditiore agmine incedentem
8 adgressus funestam populationem fecit. Pauci hostium evasere ex insidiis; praeda omnis recepta est. Sic finem iustitio, quod quadriduum fuit, reditus Quincti consulis in urbem fecit.

9 Census deinde actus et conditum ab Quinctio lustrum. Censa civium capita centum quattuor milia septingenta[1] quattuordecim dicuntur praeter orbos
10 orbasque. In Aequis nihil deinde memorabile actum. In oppida sua se recepere, uri sua popularique passi. Consul, cum aliquotiens per omnem hostium agrum infesto agmine populabundus isset, cum ingenti laude praedaque Romam rediit.

A.U.C. 290

IV. Consules inde A. Postumius[2] Albus Sp.

[1] septingenta *Weissenborn* (*cf. Periocha*): acc Ω: et cc *RL*: et cc (*with suprascript* ti) *D*.

[2] A. Postumius *R*? *Pighius* (*cf. C.I.L.* i², *p.* 103): an Postumius *M*: Postumius Ω.

[1] The *iustitium* also involved the closing of shops and a general suspension of business.

B.C. 466–465

tion as the bystanders passed them on to others. The running and shouting of men as they called "To arms!" was almost like the panic in a captured city. It chanced that the consul Quinctius had returned from Algidus to Rome. This circumstance allayed men's fears, and when the confusion had been stilled, he indignantly reminded them that the enemy they dreaded had been conquered, and posted watches at the gates. He then convened the senate, and in accordance with a resolution which the Fathers passed, proclaimed a suspension of the courts.[1] After that he set out to defend the frontier, leaving Quintus Servilius as prefect of the City, but did not meet with the enemy in the field. The other consul campaigned with great success. Knowing where the enemy would come, he fell upon them when they were weighed down with the booty which incumbered their advancing column, and caused them bitterly to rue their pillaging. But few of them escaped the ambush, and the spoils were all recovered. So the suspension of the courts, which had lasted four days, was lifted on the return of the consul Quinctius to the City.

The census was then taken and Quinctius solemnized the concluding purification. There are said to have been registered 104,714 citizens, besides orphans and widows. In the Aequian country there was no memorable action after that; the people retired to their towns, and permitted their farms to be burnt and ravaged. The consul made a number of forays with his army throughout the enemy's territory, and returned to Rome with great renown and huge spoils.

IV. The next consuls were Aulus Postumius B.C. 464

A.U.C. 290 Furius Fusus.[1] Furios Fusios[2] scripsere quidam;
id admoneo, ne quis immutationem virorum ipsorum
2 esse quae nominum est putet. Haud dubium erat
quin cum Aequis alter consulum bellum gereret.
Itaque Aequi ab Ecetranis Volscis praesidium
petiere; quo cupide oblato—adeo civitates hae[3]
perpetuo in Romanos odio certavere—bellum summa
3 vi parabatur. Sentiunt Hernici et praedicunt Romanis
Ecetranum ad Aequos descisse. Suspecta et colonia
Antium fuit, quod magna vis hominum inde, cum
oppidum captum esset, confugisset ad Aequos; isque
miles per bellum Aequicum vel acerrimus fuit.
4 Compulsis deinde in oppida Aequis ea multitudo
dilapsa cum Antium redisset, sua sponte iam infidos
5 colonos Romanis abalienavit. Necdum matura re
cum defectionem parari delatum ad senatum esset,
datum negotium est consulibus ut principibus coloniae
6 Romam excitis quaererent quid rei esset. Qui cum
haud gravate venissent, introducti a consulibus ad
senatum ita responderunt ad interrogata, ut magis
suspecti quam venerant dimitterentur.

7 Bellum inde haud dubium haberi. Sp. Furius, consulum alter, cui ea provincia evenerat, profectus in Aequos Hernicorum in agro populabundum hostem invenit ignarusque multitudinis, quia nusquam uni-

[1] Fusus *Sigonius* (*C.I.L.* i^2, *p.* 116): Fuscus Ω.
[2] Furios Fusios ς: Furios (*or* -us) Fusios Fabios Ω.
[3] hae *O*: haec *H*: eae *VD*[3]: ae *or* aee *or* ae (*omitted by U*) Ω.

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[1] *Fusius* is in fact only an earlier form of *Furius*. By 300 B.C. intervocalic *s* had developed into *r*. Livy is puzzled by the same thing in chap. viii.

Albus and Spurius Furius Fusus. (Some writers spell the name Fusius instead of Furius, which I note lest anybody should regard as a substitution of one man for another what is really only a matter of names.)[1] There was no doubt but that one consul would make war on the Aequi, and these accordingly appealed to the Ecetranian Volsci for help. It was eagerly granted them—such was the rivalry between these nations in inveterate hatred of Rome—and the most vigorous preparations were made for war. The Hernici perceived, and warned the Romans, that Ecetra had gone over to the Aequi. Suspicion already rested on the colony of Antium, on the ground that a large body of men, escaping from the place at the time of its capture, had taken refuge with the Aequi; and in fact they fought with the greatest spirit all through the Aequian war; afterwards, when the Aequi had been shut up in their towns, this company dispersed, returned to Antium, and won over the colonists, who were even then at heart disloyal to the Romans. The plot was not yet ripe when their proposed defection was reported to the senate, and the consuls were instructed to summon the leaders of the colony to Rome and inquire what was going on. These men made no objection to coming, but on being introduced into the senate by the consuls returned such answers to the questions they were asked that they were under a stronger suspicion when dismissed than they had been on their arrival. B.C. 464

War was from that moment regarded as certain. Spurius Furius, one of the consuls, having received that command, set out against the Aequi. In the country of the Hernici he found the enemy engaged

A.U.C. 290 versa conspecta fuerat, imparem copiis exercitum
8 temere pugnae commisit. Primo concursu pulsus se intra castra recepit. Neque is finis periculi fuit; namque et proxima nocte et postero die tanta vi castra sunt circumsessa atque oppugnata ut ne
9 nuntius quidem inde mitti Romam posset. Hernici et male pugnatum et consulem exercitumque obsideri nuntiaverunt tantumque terrorem incussere patribus ut, quae forma senatus consulti ultimae semper necessitatis habita est, Postumio, alteri consulum, negotium daretur videret ne quid res publica
10 detrimenti caperet. Ipsum consulem Romae manere ad conscribendos omnes qui arma ferre possent optimum visum est: pro consule T. Quinctium subsidio
11 castris cum sociali exercitu mitti; ad eum explendum Latini Hernicique et colonia Antium dare Quinctio subitarios milites—ita tum repentina auxilia appellabant—iussi.

V. Multi per eos dies motus multique impetus hinc atque illinc facti, quia superante multitudine hostes carpere multifariam vires Romanas, ut non
2 suffecturas ad omnia, adgressi sunt; simul castra oppugnabantur, simul pars exercitus ad populandum agrum Romanum missa urbemque ipsam, si qua
3 fortuna daret, temptandam. L. Valerius ad praesidium urbis relictus, consul Postumius ad arcendas

[1] The *ultimum senatus consultum* conferred dictatorial powers on the consul, and amounted to declaring a state of martial law.

in marauding, and being ignorant of their strength, B.C. 464
because they had never all been seen together, rashly offered battle with an army which was no match for theirs in numbers. At the first attack he was repulsed and withdrew into his camp. Nor did this end his danger, for both that night and the following day his camp was so vigorously hemmed in and assaulted that not even a messenger could be got off to Rome. The Hernici reported the defeat and blockade of the consul and his army, striking such terror into the hearts of the senators that they passed a decree which has always been held to signify the direst necessity: that Postumius, the other consul, should be commissioned to see to it that the republic took no hurt.[1] It was deemed wisest that the consul himself should remain in Rome, to enroll all who were capable of bearing arms; and that a proconsul, Titus Quinctius, should be sent, with an army of the allies, to relieve the camp. In order to fill out this army the Latins and the Hernici and the colony of Antium were commanded to furnish Quinctius with "emergency-men," as they used then to term hastily-levied auxiliaries.

V. There was much manœuvring during the days that followed, and many attacks were delivered in one place or another, for the enemy, having a preponderance of numbers, set about harassing the Roman forces in many places, with the expectation that they would prove unequal to all the demands that were made upon them; at the same time that they were besieging the camp, a part of their army was sent to devastate the Roman fields and to attack the City itself, should an opportunity offer. Lucius Valerius was left to defend the City, while the consul

A.U.C. 290
4 populationes finium missus. Nihil remissum ab ulla
parte curae aut laboris; vigiliae in urbe, stationes
ante portas, praesidiaque in muris disposita, et quod
necesse erat in tanto tumultu, iustitium per aliquot
5 dies servatum. Interim in castris Furius consul cum
primo quietus obsidionem passus esset, in incautum
hostem decumana porta erupit, et cum persequi
posset, metu substitit, ne qua ex parte altera in castra
6 vis fieret. Furium legatum—frater idem consulis
erat—longius extulit cursus; nec suos ille redeuntes
persequendi studio neque hostium ab tergo incursum
vidit. Ita exclusus multis saepe frustra conatibus
captis ut viam sibi ad castra faceret, acriter dimicans
7 cecidit, et consul nuntio circumventi fratris conversus
ad pugnam, dum[1] se temere magis quam satis caute
in mediam dimicationem infert, volnere accepto aegre
ab circumstantibus ereptus et suorum animos turbavit
8 et ferociores hostes fecit; qui caede legati et con-
sulis volnere accensi nulla deinde vi sustineri potuere,
ut[2] compulsi in castra Romani rursus obsiderentur
nec spe nec viribus pares; venissetque in periculum
summa rerum, ni T. Quinctius peregrinis copiis,
9 Latino[3] Hernicoque exercitu, subvenisset. Is in-

[1] pugnam, dum ς: pugnandum Ω.
[2] ut *Conway and Walters*: cum Ω.
[3] Latino *Madvig*: cum Latino Ω.

[1] The *porta decumana* was normally in the west wall, in these wars usually farthest from the enemy, hence its use in this surprise attack.

Postumius was sent out to protect the frontier from pillage. There was no relaxation anywhere of vigilance or effort; watches were set in the City, outposts were established before the gates, and troops were posted on the walls; and, as was necessary in the midst of such confusion, the courts were suspended for several days. In camp meanwhile the consul Furius, having begun by submitting tamely to the blockade, caught the Aequi off their guard, and made a sortie by the decuman gate.[1] He might have pursued the enemy, but stopped for fear the camp might be assailed from the opposite quarter. The lieutenant Furius, a brother of the consul, was carried a good way off by his charge, nor did he observe, in the ardour of pursuit, either that his friends were retiring or that the enemy were moving up to attack him in the rear. His retreat was thus cut off, and after repeated but unsuccessful attempts to force his way back to the camp, he perished, fighting bravely. The consul too, upon learning that his brother was surrounded, set his face towards the battle and plunged into the midst of the mellay, with more rashness than prudence; for he received a wound, and was barely rescued by the men about him. This misfortune dismayed his own troops and quickened the courage of the enemy, who were so inspirited by the death of the lieutenant and the wounding of the consul that from that moment no force could withstand them, and the Romans were driven into their camp and again besieged, being no match for their opponents either in confidence or strength. The very existence of the army would have been imperilled, had not Titus Quinctius come up with the foreign troops, the Latins and Hernici. B.C. 464

A.U.C. 290
tentos in castra Romana Aequos legatique caput
ferociter ostentantes ab tergo adortus simul ad
signum a se procul editum ex castris eruptione facta
10 magnam vim hostium circumvenit. Minor caedis,
fuga effusior Aequorum in agro fuit Romano, in quos
palatos praedam agentes Postumius aliquot locis,
quibus opportuna imposuerat praesidia, impetum
dedit. Hi vagi dissipato agmine fugientes in Quinc-
tium victorem cum saucio [1] consule revertentem in-
11 cidere. Tum consularis exercitus egregie [2] consulis
volnus, legati et cohortium ultus est caedem. Magnae
clades ultro citroque illis diebus et inlatae et ac-
12 ceptae. Difficile ad fidem est in tam antiqua re
quot pugnaverint ceciderintve exacto adfirmare nu-
mero; audet tamen Antias Valerius concipere sum-
13 mas: Romanos cecidisse in Hernico agro quinque
milia octingentos: ex praedatoribus Aequorum qui
populabundi in finibus Romanis vagabantur ab A.
Postumio consule duo milia et quadringentos caesos:
ceteram multitudinem praedam agentem, quae in-
ciderit in Quinctium, nequaquam pari defunctam
esse caede: interfecta inde quattuor milia et, exse-
quendo subtiliter numerum, ducentos ait et triginta.
14 Ut Romam reditum est,[3] iustitium remissum.[4]
Caelum visum est ardere plurimo igni, portentaque

[1] cum saucio $D^2\varsigma$: a saucio *O*: cum (*or* tum) a saucio (*or* sautio) Ω.
[2] egregie *Conway*: egregiae *M*: egregia pugna Ω.
[3] reditum est et *Conway and Walters*: reditum est Ω.
[4] remissum *Gruter*: remissum est Ω.

He found the Aequi intent on the Roman camp, and truculently displaying the head of the lieutenant. Attacking them in the rear, while the besieged, in answer to a signal he had given them from afar, were making a sally from the camp, he intercepted a large body of them. There was less carnage but a more headlong rout in the case of the Aequi who were in Roman territory. These men were dispersed and collecting booty when they were attacked by Postumius at several points where he had opportunely stationed troops. The pillagers, fleeing in a disordered crowd, fell in with Quinctius, who was returning from his victory with the wounded consul; whereupon the consular army splendidly avenged the consul's wound and the slaughter of the lieutenant and his cohorts. Heavy losses were inflicted and sustained on both sides at that time. It is hard to make a trustworthy statement, in a matter of such antiquity, as to just how many fought and how many fell; yet Valerius Antias ventures to specify the totals, saying that the Romans lost five thousand eight hundred in the country of the Hernici; that of the Aequian marauders who were roaming about and pillaging within the Roman borders two thousand four hundred were slain by Aulus Postumius, the consul; and that the rest of the expedition, which stumbled upon Quinctius as they were driving off their booty, got off by no means so lightly, for their killed amounted, so he says, with minute particularity, to four thousand two hundred and thirty. B.C. 464

When the army had returned to Rome, and the suspension of the courts was ended, the heavens were seen to blaze with numerous fires, and other

A.U.C. 290 alia aut obversata oculis aut vanas exterritis ostentavere species. His avertendis terroribus in triduum feriae indictae, per quas omnia delubra pacem deum exposcentium virorum mulierumque turba imple-
15 bantur. Cohortes inde Latinae Hernicaeque ab senatu gratiis ob impigram militiam actis remissae domos. Antiates mille milites, quia serum auxilium post proelium venerant, prope cum ignominia dimissi.

A.U.C. 291 VI. Comitia inde habita; creati consules L. Aebutius P. Servilius. Kal. Sextilibus, ut tunc
2 principium anni agebatur, consulatum ineunt. Grave tempus et forte annus pestilens erat urbi agrisque nec hominibus magis quam pecori; et auxere vim morbi terrore populationis pecoribus agrestibusque
3 in urbem acceptis. Ea conluvio [1] mixtorum omnis generis animantium et odore insolito urbanos et agrestem confertum in arta tecta aestu ac vigiliis angebat, ministeriaque in vicem ac contagio ipsa
4 volgabant morbos. Vix instantes sustinentibus clades repente legati Hernici nuntiant in agro suo Aequos Volscosque coniunctis copiis castra posuisse, inde
5 exercitu ingenti fines suos depopulari. Praeterquam quod infrequens senatus indicio erat sociis adflictam civitatem pestilentia esse, maestum etiam responsum

[1] conluvio ς: conluuione Ω.

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[1] The official year began at various times in different periods, until, in 153 B.C., the 1st of January was adopted.

portents either were actually seen or were due to the illusions of the terror-stricken observers. To avert these alarms a three days' season of prayer was ordered, and during this period all the shrines were crowded with a throng of men and women beseeching the pardon of the gods. After that the cohorts of the Latins and the Hernici were thanked by the senate for their energetic service and sent home. A thousand men from Antium who had come too late to help, when the battle was over, were dismissed, almost in disgrace. B.C. 464

VI. The elections were then held, and Lucius Aebutius and Publius Servilius were chosen consuls. On the first of August, then the beginning of the year, they entered office.[1] It was the sickly season, and chanced to be a year of pestilence both in the City and in the country, for beasts as well as men; and the people increased the virulence of the disease, in their dread of pillage, by receiving flocks and country-folk into the City. This conflux of all kinds of living things distressed the citizens with its strange smells, while the country-people, being packed into narrow quarters, suffered greatly from the heat and want of sleep; and the exchange of ministrations and mere contact spread the infection. The Romans could scarce endure the calamities which pressed hard upon them, when suddenly envoys from the Hernici appeared, announcing that the Aequi and the Volsci had joined forces and established a camp in their territory, from which base they were devastating their land with an enormous army. Not only did the reduced numbers of the senate show their allies that the nation was prostrated by the pestilence, but they also returned a melancholy answer to B.C. 463

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tulere, ut per se ipsi Hernici cum Latinis res suas
tutarentur: urbem Romanam subita deum ira morbo
populari; si qua eius mali quies veniat, ut anno ante,
6 ut semper alias, sociis opem laturos. Discessere socii
pro tristi nuntio tristiorem domum reportantes,[1]
quippe quibus per se sustinendum bellum erat, quod
7 vix Romanis fulti viribus sustinuissent. Non diutius
se in Hernico hostis continuit; pergit inde infestus
in agros Romanos etiam sine belli iniuria vastatos.
Ubi cum obvius nemo ne inermis quidem fieret perque
omnia non praesidiis modo deserta sed etiam cultu
agresti transirent, pervenere ad tertium lapidem
Gabina via.

8 Mortuus Aebutius erat Romanus consul; collega
eius Servilius exigua in spe trahebat animam; adfecti
plerique principum, patrum maior pars, militaris fere
aetas omnis, ut non modo ad expeditiones, quas in
tanto tumultu res poscebat, sed vix ad quietas
9 stationes viribus sufficerent. Munus vigiliarum sena-
tores, qui per aetatem ac valetudinem poterant, per
se ipsi obibant; circumitio ac cura aedilium plebi
erat; ad eos summa rerum ac maiestas consularis
imperii venerat.

[1] reportantes *V*: referentes Ω.

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[1] The plebeian aedileship had been created at the same time as the plebeian tribuneship, but was not mentioned by Livy at II. xxxiii. 2.

their suit, that the Hernici, namely, with the help of the Latins, must defend their own possessions; for the City of Rome, in a sudden visitation of divine displeasure, was being ravaged by disease; if there should come any respite from their suffering, they would help their friends, as they had done the year before and on every other occasion. The allies departed, bearing home, in return for their sad tidings, a reply that was even sadder, since it meant that their people must sustain by themselves a war which they could hardly have sustained with the powerful assistance of the Romans. No longer did the enemy confine themselves to the country of the Hernici; they proceeded thence to invade the Roman fields, which had been made desolate even without the violence of war. Encountering no one there, not even an unarmed man, and passing through a country wholly destitute not only of defenders but also of cultivation, they came to the third milestone on the Gabinian Way. B.C. 468

Death had taken Aebutius, the Roman consul; for his colleague Servilius there was little hope, though he still breathed; the disease had attacked most of the leading men, the greater part of the senators, and almost all of military age, so that their numbers were not only insufficient for the expeditions which so alarming a situation called for, but were almost too small for mounting guard. The watchmen's duty was performed by those of the senators themselves whose years and strength admitted of it; the rounds were made and the watches supervised by the plebeian aediles;[1] into their hands had passed the supreme control, and the majesty of consular authority.

A.U.C. 291

VII. Deserta omnia, sine capite, sine viribus, di praesides ac fortuna urbis tutata est, quae Volscis Aequisque praedonum potius mentem quam hostium
2 dedit; adeo enim nullam spem non potiundi modo, sed ne adeundi quidem Romana moenia animus[1] eorum cepit tectaque procul visa atque imminentes
3 tumuli avertere mentes eorum, ut totis passim castris fremitu orto, quid in vasto ac deserto agro inter tabem pecorum hominumque desides sine praeda tempus tererent, cum integra loca, Tusculanum agrum opimum copiis, petere possent, signa repente convellerent transversisque itineribus per Labicanos[2] agros in Tusculanos colles transirent. Eo vis omnis tempestas-
4 que belli conversa est. Interim Hernici Latinique, pudore etiam, non misericordia solum moti, si nec obstitissent communibus hostibus infesto agmine Romanam urbem petentibus nec opem ullam obsessis sociis ferrent, coniuncto exercitu Romam pergunt.
5 Ubi cum hostes non invenissent, secuti famam ac vestigia obvii fiunt descendentibus ab Tusculana[3] in Albanam vallem. Ibi haudquaquam aequo proelio pugnatum est, fidesque sua sociis parum felix in praesentia fuit.

6 Haud minor Romae fit morbo strages quam quanta ferro sociorum facta erat. Consul qui unus supererat moritur; mortui et alii clari viri, M. Valerius,[4] T.

[1] animus ς : animos Ω.
[2] Labicanos *V* : lauicanos Ω.
[3] Tusculana *VMHD? L* : Tusculano *PFUBOD*³.
[4] M. Valerius Ω : M'. Valerius (*identifying him with the M'. Valerius of* II. xxx. 5, *and* (?) III. xxv. 2) *Pighius*.

VII. In this helpless plight, without a leader and without strength, the commonwealth was saved by its tutelary gods and the good fortune of the City, which inspired the Volsci and Aequi with the spirit of plunderers rather than of soldiers. For they were so far from entertaining any hope of approaching, not to speak of capturing, the walls of Rome, and the distant sight of her roofs and beetling hills so damped their ardour, that the entire army began to murmur, and to ask why they should waste their time in desolate and abandoned fields, where bodies of beasts and men lay rotting and there was no booty, when they might be invading an unspoiled country, the land of Tusculum, abounding in wealth; so they suddenly pulled up their standards, and passed by cross-roads through the Labican fields to the hills of Tusculum, and on that point all the impetus and fury of the war converged. Meanwhile the Hernici and Latins, moved not by pity alone but by shame, if they should fail to oppose the common enemy, advancing in force against the City of Rome, and should bring no assistance to their besieged allies, united their armies and proceeded to the City. Failing to find the enemy there, but following the report and traces of his march, they met him as he was coming down from the Tusculan valley into that of Alba. There they engaged the invaders on far from equal terms, and their loyalty to their friends was for the moment not attended with success. B.C. 463

In Rome the ravages of the disease were no less fatal than those of the sword had been amongst her allies. The surviving consul died; and death took other famous men, the augurs Marcus Valerius and

A.U.C. 291 Verginius Rutulus[1] augures, Ser. Sulpicius curio
7 maximus; et per ignota capita late vagata est vis morbi. Inopsque senatus auxilii humani ad deos populum ac vota vertit. Iussi cum coniugibus ac liberis supplicatum ire pacemque exposcere deum,
8 ad id quod sua quemque mala cogebant auctoritate publica evocati omnia delubra implent. Stratae passim matres crinibus templa verrentes veniam irarum caelestium finemque pesti exposcunt.

A.U.C. 292 VIII. Inde paulatim seu pace deum impetrata seu graviore tempore anni iam circumacto defuncta
2 morbis corpora salubriora esse incipere; versisque animis iam ad publicam curam, cum aliquot interregna exissent, P. Valerius Publicola tertio die quam interregnum inierat consules creat L. Lucretium Tricipitinum et T. Veturium Geminum, sive ille Vetusius
3 fuit. Ante diem tertium idus Sextiles consulatum ineunt iam satis valida civitate ut non solum arcere
4 bellum sed ultro etiam inferre posset. Igitur nuntiantibus Hernicis in fines suos transcendisse hostes impigre promissum auxilium. Duo consulares exercitus scripti. Veturius missus in Volscos ad bellum ultro
5 inferendum: Tricipitinus populationibus arcendis sociorum agro oppositus non ultra quam in Hernicos procedit. Veturius primo proelio hostes fundit fu-
6 gatque: Lucretium, dum in Hernicis sedet, prae-

[1] Rutulus *Conway*: Rutilus *Sigonius*: Rutilius Ω.

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[1] Each of the thirty wards, or *curiae* (an account of their origin is given at I. xiii. 6), had a priest called a *curio*, to preside over its religious ceremonies. These thirty *curiones* were themselves under the presidency of a *curio maximus*.

[2] See note on chap. iv. § 1.

Titus Verginius Rutulus, and the head curio,[1] Servius Sulpicius; as for the base rabble, the violence of the plague stalked at large amongst them; until the senate, finding no help in man, sent the people to the gods in prayer, commanding them to take their wives and children and supplicate Heaven for forgiveness. Thus summoned by the state's authority to do what each was impelled to by his own distress, they crowded all the shrines. Everywhere were prostrate matrons, sweeping the floors of the temples with their hair, while they besought the angry gods to grant them pardon and end the pestilence. B.C. 463

VIII. After that, little by little, whether it was that the gods had been persuaded to forgive or that the sickly season was now past, those whose disease had run its course began to regain their health; and men's thoughts now turned to the commonwealth. Several interregna had expired, when Publius Valerius Publicola, three days after being made interrex, declared the election to the consulship of Lucius Lucretius Tricipitinus and Titus Veturius Geminus—or Vetusius, if that was his name.[2] On the 11th of August they took office, the nation being by that time so strong that it was able not only to defend itself, but even to assume the offensive. Accordingly, when the Hernici reported that the enemy had crossed their borders, they were promptly offered assistance. Two consular armies were enlisted; Veturius was sent to carry the war into the country of the Volsci; while Tricipitinus, having been appointed to secure the territory of the allies from inroads, proceeded no further than the land of the Hernici. Veturius in his first battle defeated and routed his opponents; Lucretius, while B.C. 462

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donum agmen fefellit supra montes Praenestinos ductum, inde demissum[1] in campos. Vastavere agros Praenestinum Gabinumque; ex Gabino in Tuscu-
7 lanos flexere colles; urbi quoque Romae ingens praebitus terror, magis in re subita quam quod ad arcendam vim parum virium esset. Q. Fabius praeerat urbi. Is armata iuventute dispositisque praesidiis
8 tuta omnia ac tranquilla fecit. Itaque hostes praeda ex proximis locis rapta adpropinquare urbi non ausi, cum circumacto agmine redirent quanto longius ab urbe hostium abscederent eo solutiore cura, in Lucretium incidunt consulem, iam ante exploratis itineribus
9 suis instructum et ad certamen intentum. Igitur praeparatis animis repentino pavore perculsos adorti aliquanto pauciores multitudinem ingentem fundunt fugantque et compulsos in cavas valles, cum exitus
10 haud in facili essent, circumveniunt. Ibi Volscum nomen prope deletum est. Tredecim milia quadringentos septuaginta cecidisse in acie ac fuga, mille septingentos quinquaginta vivos captos, signa viginti septem militaria relata in quibusdam annalibus invenio; ubi etsi adiectum aliquid numero sit, magna
11 certe caedes fuit. Victor consul ingenti praeda potitus

[1] demissum *U*: missum *VH*: dimissum Ω.

encamped among the Hernici, was eluded by a company of raiders, who marched over the mountains of Praeneste and thence down into the campagna; there they laid waste the Praenestine and Gabinian fields; and from the latter district turned towards the hills about Tusculum. The City of Rome itself received a great fright, more on account of the surprise than from any lack of resources for defence. Quintus Fabius was in charge of the City. Arming the young men and disposing his defences, he made everything secure and tranquil. And so the enemy, having laid hold of the plunder in their immediate neighbourhood, did not venture to approach Rome, but making a detour, set out towards home. The farther they got from the hostile City the less was their anxiety, till they came unexpectedly upon Lucretius the consul, who having already marked their line of march, had drawn up his troops and was eager to fight. The spirits of the Romans were therefore prepared for their task, while the enemy were stricken with a sudden panic on being attacked, though by somewhat inferior numbers. The Romans completely routed the great multitude, and driving them into deep valleys, from which escape was difficult, surrounded them. There the Volscian name was almost blotted out. Thirteen thousand four hundred and seventy fell in the battle and the flight, seventeen hundred and fifty were taken alive, and twenty-seven military standards were brought in, as I find recorded in certain annals; and though there may be some exaggeration of the numbers, it was beyond question a great slaughter. The victorious consul, in possession of enormous spoils, returned to the permanent camp he had B.C. 462

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eodem in stativa rediit. Tum consules castra coniungunt, et Volsci Aequique adflictas vires suas in unum contulere. Tertia illa pugna eo anno fuit. Eadem fortuna victoriam dedit; fusis hostibus etiam castra capta.

IX. Sic res Romana in antiquum statum rediit, secundaeque belli res extemplo urbanos motus ex-
2 citaverunt. C. Terentilius Harsa tribunus plebis eo anno fuit. Is consulibus absentibus ratus locum tribuniciis actionibus datum, per aliquot dies patrum superbiam ad plebem criminatus, maxime in consulare imperium tamquam nimium nec tolerabile liberae
3 civitati invehebatur. Nomine enim tantum minus invidiosum, re ipsa prope atrocius quam regium esse;
4 quippe duos pro uno dominos acceptos, immoderata, infinita potestate, qui soluti atque effrenati ipsi omnis metus legum omniaque supplicia verterent in plebem.
5 Quae ne aeterna illis licentia sit, legem se promulgaturum ut quinque viri creentur legibus de imperio consulari scribendis; quod populus in se ius dederit, eo consulem usurum; non ipsos libidinem ac licen-
6 tiam suam pro lege habituros. Qua promulgata lege cum timerent patres ne absentibus consulibus iugum acciperent,[1] senatus a praefecto urbis Q. Fabio vocatur, qui adeo atrociter in rogationem latoremque

[1] acciperent $M^3\varsigma$: acciperet Ω.

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[1] Terentilius probably aimed at restricting the power of the patricians by a codification of *all* the laws, not merely those, as Livy seems to think, which limited the authority of the consuls. The Fasti refer to the similar board actually created ten years later, as *decemviri consulari imperio legibus scribundis* ("decemvirs with consular authority for writing the laws"), and Livy has perhaps misunderstood some such phrase in the annalist he was here following.

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occupied before. Then the consuls encamped together, and the Volsci and Aequi united their shattered forces. The ensuing battle was the third of that year. Fortune bestowed the victory where she had done before; the enemy were routed, and even lost their camp.

IX. Rome was thus restored to her former condition, and the success of the campaign at once occasioned disturbances in the City. Gaius Terentilius Harsa was tribune of the plebs that year. Thinking that the absence of the consuls afforded the tribunes an opportunity for action, he employed some days in complaining to the people of the pride of the patricians, and inveighed especially against the authority of the consuls, as a thing excessive and intolerable in a free state. For it was only in name, he said, that it was less hateful than that of a king; in reality it was almost crueler, since in place of one master they had now got two, who possessed an unregulated and unlimited power, and while free themselves and without restraint, brought to bear all the terrors of the law and all its punishments upon the plebs. That they might not for ever have this licence, he was about to propose a law providing for the appointment of five men to write out the statutes pertaining to the consular power;[1] such authority over them as the people had granted the consuls they should enjoy, but they should not make a law of their own whims and caprices. When this measure had been promulgated, the Fathers were alarmed lest they might be humbled, in the absence of the consuls; the prefect of the City, Quintus Fabius, convened the senate, and attacked the measure and its author himself with

A.U.C. 292 ipsum est invectus ut nihil, si ambo consules infesti
circumstarent tribunum, relictum minarum atque
7 terroris sit: insidiatum eum et tempore capto adortum
8 rem publicam. Si quem similem eius priore anno
inter morbum bellumque irati di tribunum dedissent,
non potuisse sisti. Mortuis duobus consulibus, iacente
aegra civitate, in conluvione omnium rerum, ad tol-
lendum rei publicae consulare imperium laturum
leges fuisse, ducem Volscis Aequisque ad oppugnan-
9 dam urbem futurum. Quid tandem? Illi non licere,
si quid consules superbe in aliquem civium aut
crudeliter fecerint, diem dicere, accusare iis ipsis
10 iudicibus quorum in aliquem saevitum sit? Non illum[1]
consulare imperium, sed tribuniciam potestatem in-
visam intolerandamque facere; quam placatam[2] re-
conciliatamque patribus de integro in antiqua redigi
mala. Neque illum se deprecari, quo minus pergat
11 ut coeperit; "Vos" inquit Fabius, "ceteri tribuni,
oramus, ut primum omnium cogitetis potestatem
istam ad singulorum auxilium, non ad perniciem
universorum comparatam esse; tribunos plebis vos
12 creatos, non hostes patribus. Nobis miserum, invi-
diosum vobis est desertam rem publicam invadi.
Non ius vestrum, sed invidiam minueritis. Agite cum
collega ut rem integram in adventum consulum

[1] illum ς: illud Ω. [2] placatam *M*: pacatam Ω.

B.C. 462

such bitterness that if both the consuls had been present to outface the tribune there was nothing they could have added to his threats and denunciations. Terentilius, he said, had laid an ambush and watching his opportunity had attacked the state. If the angry gods had given them a tribune like him the year before, when they were suffering from war and disease, it would have been impossible to save the situation. Finding both consuls dead, the citizens plague-stricken, and confusion everywhere, he would have proposed a law to do away with consular government, and would have led the Volsci and the Aequi to besiege the City. Pray what did he desire? Was he not at liberty, if the consuls had committed any act of pride or cruelty against a citizen, to call them into court and accuse them where the judges would be the very men against one of whom the injury had been done? It was not the authority of the consul but the power of the tribune that he was making hateful and intolerable; this power had been reconciled and brought into harmony with the senate, but was now being degraded again to its former evil state. Yet he would not supplicate Terentilius to abandon the course on which he had embarked. "It is you other tribunes," he cried, "whom we beg to reflect, as a matter of the last importance, that your power was obtained for the purpose of assisting individuals, not for the destruction of us all; that you were elected tribunes of the plebs, not enemies of the senate. To us it is a source of sorrow, to you of odium, that the state should be attacked in the absence of its defenders. You will be diminishing, not your authority, but your unpopularity, if you plead with your colleague

A.U.C. 292 differat. Ne Aequi quidem ac Volsci morbo absumptis priore anno consulibus crudeli superboque nobis bello
13 institere." Agunt cum Terentilio [1] tribuni, dilataque in speciem actione, re ipsa sublata, consules extemplo arcessiti.

A.U.C. 293

X. Lucretius cum ingenti praeda, maiore multo gloria rediit. Et auget gloriam adveniens exposita omni in campo Martio praeda, ut suum quisque per triduum cognitum abduceret. Reliqua vendita, quibus
2 domini non exstitere. Debebatur omnium consensu consuli triumphus, sed dilata res est tribuno de lege
3 agente; id antiquius consuli fuit. Iactata per aliquot dies cum in senatu res, tum apud populum est. Cessit ad ultimum maiestati consulis tribunus et destitit. Tum imperatori exercituique honos suus redditus;
4 triumphavit de Volscis Aequisque, triumphantem secutae suae legiones. Alteri consuli datum, ut ovans sine militibus urbem iniret.

5 Anno deinde insequenti lex Terentilia [2] ab toto relata collegio novos adgressa consules est; erant
6 consules P. Volumnius Ser. Sulpicius. Eo anno caelum ardere visum, terra ingenti concussa motu est. Bovem locutam, cui rei priore anno fides non fuerat, creditum. Inter alia prodigia et carne pluit,

[1] Terentilio *F. Niebuhr*: terentillo (*or* terr-) Ω.
[2] Terentilia *edd.* (*from chap.* ix): terentilla Ω: tarentilla *U*.

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[1] The ovation was a lesser triumph, granted for a comparatively easy or bloodless victory.

to postpone the question, as it stands, until the arrival of the consuls. Even the Aequi and the Volsci, when disease last year had carried off the consuls, refrained from pressing a cruel and pitiless war against us." The tribunes pleaded with Terentilius, and the measure having been ostensibly postponed, but in reality killed, the consuls were immediately summoned. B.C. 462

X. Lucretius returned with vast spoils and far greater glory; and this he increased, on his arrival, by exposing all the booty in the Campus Martius, where it lay for three days, that every man might identify and carry off what belonged to him. The other things, for which no owner appeared, were sold. That the consul had earned a triumph all agreed; but the matter was put off, for the tribune was urging his law, and this was a question of more importance in the eyes of Lucretius. The measure was debated several days, not only in the senate but before the people. Finally the tribune gave way to the majesty of the consul and desisted. The general and his army then received their meed of honour; Lucretius triumphed over the Volsci and the Aequi, and his own legions followed the triumphal chariot. The other consul was permitted to enter the City in an ovation,[1] without soldiers. B.C. 461

In the following year the Terentilian law was brought up again by the entire college and menaced the new consuls, to wit, Publius Volumnius and Servius Sulpicius. This year the heavens were seen to blaze, and the earth was shaken with a prodigious quake. That a cow had spoken—a thing which had found no credence the year before—was now believed. Among other portents there was even a rain of flesh,

A.U.C. 293

quem imbrem ingens numerus avium intervolitando rapuisse fertur; quod intercidit, sparsum ita iacuisse
7 per aliquot dies, ut nihil odor mutaret. Libri per duumviros sacrorum aditi; pericula a conventu alienigenarum praedicta, ne qui in loca summa urbis impetus caedesque inde fierent; inter cetera monitum ut seditionibus abstineretur. Id factum ad impediendam legem tribuni criminabantur, ingensque aderat certa-
8 men. Ecce, ut idem in singulos annos orbis volveretur, Hernici nuntiant Volscos et Aequos, etsi abscisae[1] res sint, reficere exercitus; Antii summam rei positam, Ecetrae[2] Antiates colonos palam concilia facere; id
9 caput, eas vires belli esse. Ut haec dicta in senatu sunt, dilectus edicitur. Consules belli administrationem inter se dispertiri iussi, alteri ut Volsci, alteri
10 ut Aequi provincia esset. Tribuni coram in foro personare fabulam compositam Volsci belli, Hernicos ad partes paratos. Iam ne virtute quidem premi liberta-
11 tem populi Romani, sed arte eludi.[3] Quia occidione prope occisos Volscos et Aequos movere sua sponte arma posse iam fides abierit, novos hostes quaeri;
12 coloniam fidam, propinquam infamem fieri. Bellum innoxiis Antiatibus indici, geri cum plebe Romana,

[1] abscisae Ω : accisae *Weissenborn-Mueller* (*after Rhenanus*).
[2] Ecetrae *Vorm.*? : eceterae (*or similar corruptions*) Ω.
[3] eludi *D*? ς : ludi Ω.

which is said to have been intercepted by vast numbers of birds flying round in the midst of it; what fell to the ground lay scattered about for several days, but without making any stench. The two commissioners for sacred rites consulted the Sibylline Books, where it was predicted that there was danger to come from a concourse of foreigners, lest they attack the highest places of the City, and blood be shed; amongst other things was a warning to avoid factions. The tribunes charged them with trying to hinder their law, and a violent struggle was impending; when lo!—that the same cycle of events might recur each year—the Hernici announced that the Volsci and the Aequi, despite the losses they had sustained, were again fitting out their armies; that Antium was the centre of the enterprise; that at Ecetra Antian colonists were holding public meetings; and that the Antiates were the head and sinews of the war. After listening to this report, the senate decreed a levy, and directed the consuls to divide between them the direction of the war, so that one might operate against the Volsci, the other against the Aequi. The tribunes openly and loudly protested in the Forum that the Volscian war was a prearranged farce, and that the nobles had employed the Hernici to act a part in it: they no longer used manhood even, to suppress the liberty of the Roman People, but cajoled and tricked them. Inasmuch as the almost total destruction of the Volsci and Aequi made it incredible that they should be going to war on their own initiative, new enemies were trumped up, and a loyal and neighbouring colony was traduced. It was against the innocent Antiates that war was being declared; it was being B.C. 461

A.U.C. 293 quam oneratam armis ex urbe praecipiti agmine acturi essent, exsilio et relegatione civium ulciscentes 13 tribunos. Sic—ne quid aliud actum putent—victam legem esse, nisi, dum in integro res sit, dum domi, dum togati sint, caveant ne possessione urbis pellan-
14 tur, ne iugum accipiant. Si animus sit, non defore auxilium; consentire omnes tribunos. Nullum terrorem externum, nullum periculum esse; cavisse deos priore anno ut tuto libertas defendi posset. Haec tribuni.

XI. At ex parte altera consules in conspectu eorum positis sellis dilectum habebant. Eo decurrunt tribuni contionemque secum trahunt. Citati pauci velut rei
2 experiundae causa, et statim vis coorta. Quemcumque lictor iussu consulis prendisset, tribunus mitti iubebat; neque suum cuique ius modum faciebat, sed virium spes, et manu obtinendum erat, quod intenderes.

3 Quem ad modum se tribuni gessissent in prohibendo dilectu, sic patres se[1] in lege, quae per omnes comitiales dies ferebatur, impedienda gere-
4 bant. Initium erat rixae, cum discedere populum iussissent tribuni, quod patres se submoveri haud sinebant. Nec fere seniores rei intererant, quippe

[1] patres se *Luterbacher* (patress *D*): patres Ω.

[1] There was required to be an interval of twenty-four days (*trinum nundinum*) between meetings of the comitia.
[2] For the purpose of forming by centuries, in order to vote.

waged against the Roman plebeians, whom the consuls would load with arms and lead out of the City in hot haste, exiling and banishing citizens to avenge themselves upon the tribunes. By these means—and they need not think that anything else had been intended—the law was already defeated, unless, while the situation was still intact, while they were at home, while they still wore the toga, they should guard themselves against expulsion from the City and submitting to the yoke. If they proved courageous, help would not be wanting; the tribunes were all of one mind. There was no fear of foreign foes, no danger; the gods had seen to it the previous year that they might defend their liberties in safety. To this purport the tribunes. B.C. 461

XI. But the consuls, on the other hand, had placed their chairs in full sight of the tribunes, and began to hold the levy. The tribunes hastened to the place, drawing the people after them. A few were cited, as if by way of a test, and immediately a riot began. As often as a lictor arrested a man on the consul's order, a tribune would command that he be released; in every case it was not a man's right that determined his conduct, but the confidence he had in his strength; and one had to make good by force what one meant to do.

Precisely as the tribunes had borne themselves in preventing the levy, so did the senators in blocking the law, which was brought forward every day the comitia could be held.[1] The quarrel broke out when the tribunes had ordered the people to separate,[2] since the patricians would not permit themselves to be removed. And yet the older nobles for the most part took no share in an affair which was not to be

A.U.C. 293
quae non consilio regenda, sed permissa temeritati
5 audaciaeque esset.[1] Multum et consules se abstine-
bant, ne cui in conluvione rerum maiestatem suam
contumeliae offerrent.

6 Caeso erat Quinctius, ferox iuvenis, qua nobilitate
gentis qua corporis magnitudine et viribus. Ad ea
munera data a dis et ipse addiderat multa belli decora
facundiamque in foro, ut nemo, non lingua non manu,
7 promptior in civitate haberetur. Hic cum in medio
patrum agmine constitisset eminens inter alios, velut
omnes dictaturas consulatusque gerens in voce ac
viribus suis, unus impetus tribunicios popularesque
8 procellas sustinebat. Hoc duce saepe pulsi foro tri-
buni, fusa ac fugata plebes est; qui obvius fuerat,
mulcatus nudatusque abibat, ut satis appareret, si sic
9 agi liceret, victam legem esse. Tum prope iam per-
culsis aliis tribunis A. Verginius ex collegio unus
Caesoni capitis diem dicit. Atrox ingenium accenderat
eo facto magis quam conterruerat; eo acrius obstare
legi, agitare plebem, tribunos velut iusto persequi
10 bello. Accusator pati reum ruere invidiaeque flam-
mam ac materiam criminibus suis suggerere; legem
interim non tam ad spem perferendi quam ad laces-
11 sendam Caesonis temeritatem ferre. Ibi multa [2] saepe

[1] esset $F^3 h^2$ ς: essent Ω.
[2] ibi multa Ω: multa ibi *V*.

[1] A capital charge if proven carried with it loss of *caput*, *i.e.* "the full legal status of a Roman citizen." (See Greenidge, *Roman Public Life*, p. 31.) From chap. xii. § 6, it appears that a sentence of banishment rather than death was anticipated in the present instance.

guided by wisdom, but had been committed to rashness and impudence. To a considerable extent the consuls too kept aloof, lest they should expose their dignity to some affront in the general confusion. B.C. 461

There was a young man, Caeso Quinctius, emboldened not only by his noble birth but also by his great stature and physical strength; and to these gifts of the gods he had himself added many honours in the field, and also forensic eloquence, so that no citizen was held to be readier, whether with tongue or with hand. When this man had taken his place in the midst of the band of senators, towering above his fellows as though wielding all the might of dictators and consuls in his voice and strength of body, he would sustain unaided the attacks of the tribunes and the fury of the rabble. His leadership often drove the tribunes from the Forum and ignominiously routed the plebeians; the man who crossed his path came off bruised and stripped; so that it was clear that if things were allowed to go on in this way the law was beaten. Finally, when the other tribunes had already been pretty well cowed, one of their college named Aulus Verginius summoned Caeso to stand trial on a capital charge.[1] The man's fierce nature was rather aroused by this than terrified; and he continued all the more bitterly to resist the law, to harry the plebs, and to assail the tribunes as if in actual warfare. The accuser permitted the defendant to storm, and to fan the flames of popular resentment, while furnishing fresh materials for the charges which he intended to bring against him; meanwhile he continued to urge the law, not so much from any hope of carrying it as to provoke Caeso to reckless-

A.U.C. 293 ab iuventute inconsulte dicta factaque in unius
12 Caesonis suspectum incidunt ingenium. Tamen legi resistebatur. Et A. Verginius identidem plebi: "Ecquid sentitis iam vos, Quirites, Caesonem simul civem et legem quam cupitis habere non posse?
13 Quamquam quid ego legem loquor? Libertati obstat; omnes Tarquinios superbia exsuperat. Exspectate, dum consul aut dictator fiat, quem privatum viribus et audacia regnantem videtis." Adsentiebantur multi pulsatos se querentes, et tribunum ad rem peragendam ultro incitabant.

XII. Iam aderat iudicio dies apparebatque volgo homines in damnatione Caesonis libertatem agi credere. Tum demum coactus cum multa indignitate prensabat singulos. Sequebantur necessarii, principes
2 civitatis. T. Quinctius Capitolinus, qui ter consul fuerat, cum multa referret sua familiaeque decora,
3 adfirmabat neque in Quinctia gente neque in civitate Romana tantam indolem tam maturae virtutis unquam exstitisse; suum primum militem fuisse, se
4 saepe vidente pugnasse in hostem; Sp. Furius, missum ab Quinctio Capitolino sibi eum in dubiis suis rebus venisse subsidio; neminem unum esse cuius

ness. In these circumstances it was Caeso alone, B.C. 461
as being a suspected character, who got all the blame for many a rash word and act which proceeded from the young aristocrats. Nevertheless the law continued to meet resistance. And Aulus Verginius kept saying to the plebeians: "I suppose you see now, Quirites, that you cannot at the same time have Caeso for a fellow-citizen and obtain the law you desire? And yet why do I say *law*? It is *liberty* he is thwarting; in all the Tarquinian house was no such arrogance. Wait till this man becomes consul or dictator, whom you see lording it over us while a private citizen, by virtue of his strength and impudence!" There were many who agreed with him; they complained of the beatings they had received, and freely urged the tribune to see the business through.

XII. The day of the trial now drew near, and it was clearly the general opinion that liberty depended on Caeso's condemnation. Then at last he was obliged, though greatly disdaining such a course, to sue for the support of individuals. He was accompanied by his friends, the chief men of the state. Titus Quinctius Capitolinus, who had thrice been consul, rehearsed the many honours which had come to himself and his family, and declared that neither in the Quinctian clan nor in the Roman state had there ever been such native qualities, so early ripening into manly worth; Caeso had been his best soldier, and had often fought under his own eyes. Spurius Furius testified that Caeso had been sent to him by Quinctius Capitolinus, and had come to his aid when he was in a dangerous plight; that there was no single person whose services he considered to

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5 magis opera putet rem restitutam. L. Lucretius,[1] consul anni prioris, recenti gloria nitens, suas laudes participare cum Caesone, memorare pugnas, referre egregia facinora, nunc in expeditionibus nunc in acie
6 suadere et monere iuvenem egregium, instructum naturae fortunaeque omnibus bonis, maximum momentum rerum eius civitatis, in quamcumque venisset,
7 suum quam alienum mallent civem esse. Quod offendat in eo, fervorem et audaciam, aetatem cottidie magis auferre; quod desideretur, consilium, id in dies crescere. Senescentibus vitiis, maturescente virtute
8 sinerent tantum virum senem in civitate fieri. Pater inter hos L. Quinctius, cui Cincinnato cognomen erat, non iterando laudes, ne cumularet invidiam, sed veniam errori atque adulescentiae petendo, sibi, qui non dicto, non facto quemquam offendisset, ut con-
9 donarent filium orabat. Sed alii aversabantur preces aut verecundia aut metu; alii se suosque mulcatos querentes atroci responso iudicium suum praeferebant.

XIII. Premebat reum praeter volgatam invidiam crimen unum, quod M. Volscius Fictor, qui ante aliquot annos tribunus plebis fuerat, testis exstiterat
2 se, haud multo post quam pestilentia in urbe fuerat,

[1] L. Lucretius *V* (*cf.* viii. 2): p. lucretius Ω: p. f. lucretius *MF*?

have been more effectual in saving the day. Lucius B.C. 461
Lucretius, the consul of the year before, in the splendour of his new-won renown, shared his glory with Caeso, told of the young man's combats, and recounted his wonderful exploits on raids or in the field of battle; he earnestly advised the people to prefer that a distinguished youth, endowed with every advantage of nature and of fortune, and sure to be an important factor in the affairs of any state which he might join, should rather be their own than the citizen of another nation. Those qualities in him which gave offence, impetuosity and rashness, were diminishing each day, as he grew older: that in which he was deficient, namely prudence, was daily increasing. They should suffer a man of his greatness—his worth maturing as he outlived his faults—to grow old in the possession of his citizenship. The young man's father, Lucius Quinctius, surnamed Cincinnatus, was among his advocates. He did not dwell on Caeso's praises, lest he should add to his unpopularity; but, craving indulgence for his errors and his youth, he begged them to acquit the son as a favour to the father, who had offended no man either in word or deed. But some turned away from the petitioner, through either embarrassment or fear; while others complained of the injuries which Caeso had inflicted on themselves or their friends, and showed by their harsh replies how they meant to vote.

XIII. There was one charge, besides the general dislike of him, which bore hard upon the accused. Marcus Volscius Fictor, who had been a tribune of the plebs a few years before, had certified that shortly after the epidemic had been in the City he

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in iuventutem [1] grassantem in Subura incidisse. Ibi
rixam natam esse, fratremque suum maiorem natu,
necdum ex morbo satis validum, pugno ictum ab
3 Caesone cecidisse; semianimem inter manus domum
ablatum mortuumque inde arbitrari, nec sibi rem ex-
sequi tam atrocem per consules superiorum annorum
licuisse. Haec Volscio clamitante adeo concitati homi-
nes sunt ut haud multum afuerit quin impetu populi
4 Caeso interiret. Verginius arripi iubet hominem et
in vincula duci. Patricii vi contra vim resistunt.
T. Quinctius clamitat, cui rei capitalis dies dicta sit
et de quo futurum propediem iudicium, eum indem-
5 natum indicta causa non debere violari. Tribunus
supplicium negat sumpturum se de indemnato; ser-
vaturum tamen in vinculis esse ad iudicii diem ut,
qui hominem necaverit, de eo supplicii sumendi copia
6 populo Romano fiat. Appellati tribuni medio decreto
ius auxilii sui expediunt: in vincla conici vetant; sisti
reum, pecuniamque ni sistatur populo promitti placere
7 pronuntiant. Summam pecuniae quantam aequum
esset promitti, veniebat in dubium; id ad senatum
reicitur. Reus, dum consulerentur patres, retentus
8 in publico est. Vades dari [2] placuit; unum vadem
tribus milibus aeris obligarunt; [3] quot darentur per-

[1] in iuventutem *V*: iuuentutem Ω.
[2] dari *Madvig*: dare Ω.
[3] obligarunt Ω: obligarent *PF? UB*: obligauerunt *M*.

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[1] A populous street lying in the hollow between the Quirinal and the Viminal on the one hand, and the Esquiline on the other.

[2] The tribunes had been created to protect plebeians against the oppression of the nobles, but there were several other occasions when patricians did not disdain to avail themselves of their help. See II. lvi. 5; IX. xxvi. 16.

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had fallen in with a band of young men swaggering through the Subura.[1] There a brawl had arisen, and his elder brother, who had not yet fully recovered from the disease, had been felled by a blow from Caeso's fist; he had been picked up half-alive and carried home, and his death, Volscius considered, had resulted from this hurt; yet under the consuls of previous years he had been unable to avenge that wicked crime. As Volscius shouted out this story, men became so excited that Caeso had nearly perished by the fury of the people. Verginius gave orders to seize the fellow and throw him into prison. The patricians resisted force with force. Titus Quinctius cried out that a man who had been charged with a capital crime and whose day of trial was at hand ought not to suffer violence, uncondemned and unheard. The tribune answered that he did not propose to punish him uncondemned, but that he should keep him in prison notwithstanding, till the day of trial, that the Roman People might have it in their power to punish a homicide. The other tribunes, on being appealed to,[2] asserted by a compromise their prerogative of protection: they forbade the imprisonment of the accused, but declared it to be their pleasure that he be produced for trial, and that money be pledged to the people in the event of a failure to produce him. How great a sum was proper to be guaranteed was a doubtful point; it was referred to the senate, and Caeso was detained in custody till the Fathers could be consulted. They voted that sureties should be furnished, and fixed the responsibility of one surety at 3,000 asses; how many sureties should be given they left the tribunes to determine. They decided

A.U.C. 293 missum tribunis est. Decem finierunt. Tot vadibus accusator vadatus est reum. Hic primus vades publico[1] dedit. Dimissus e foro nocte proxima in Tuscos in
9 exsilium abiit. Iudicii die cum excusaretur solum vertisse exsilii causa, nihilo minus Verginio comitia habente collegae appellati dimisere concilium.
10 Pecunia a patre exacta crudeliter, ut divenditis omnibus bonis aliquamdiu trans Tiberim veluti relegatus devio[2] quodam tugurio viveret.

A.U.C. 294 XIV. Hoc iudicium et promulgata lex exercuit
2 civitatem: ab externis armis otium fuit. Cum velut victores tribuni perculsis patribus Caesonis exsilio prope perlatam esse crederent legem et, quod ad seniores patrum pertineret, cessissent possessione
3 rei publicae, iuniores, id maxime quod Caesonis sodalicium[3] fuit, auxere iras in plebem, non minuerunt animos; sed ibi plurimum profectum est, quod modo
4 quodam temperavere impetus suos. Cum primo post Caesonis exsilium lex coepta ferri est, instructi paratique cum ingenti clientium exercitu sic tribunos, ubi primum submoventes praebuere causam, adorti

[1] publico *Gronovius*: publicos Ω.
[2] devio *V* (*conj. by Campanus and Rhenanus before the discovery of this MS.*): deuo (*or* de ullo) Ω.
[3] sodalicium *V*: sodalium Ω.

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[1] Verginius wished to try Caeso *in absentia*, but his colleagues, by adjourning the meeting, acquiesced in the view that a defendant had the right to avoid conviction by going into voluntary exile. In similar cases the tribes subsequently passed a resolution the effect of which was to give to this voluntary exile the binding force of a legal sentence (xxv. iv. 9; xxvi. iii. 12).

on ten, and with this number of sureties the B.C. 461 accuser admitted the accused to bail. Caeso was the first that ever gave sureties to the people. Being allowed to leave the Forum, he departed that night and went into exile amongst the Etruscans. On the day of trial, when it was pleaded that he had gone into voluntary exile, Verginius nevertheless attempted to hold the comitia, but an appeal was taken to his colleagues, who dismissed the assembly.[1] The money was exacted from Caeso's father without pity, so that he was obliged to sell all that he had and live for some time on the other side of the Tiber,[2] like one banished, in a certain lonely hovel.

XIV. This trial and the promulgation of the law[3] kept the citizens in a turmoil: from foreign wars there was a respite. The tribunes, assuming that the rebuff sustained by the patricians in Caeso's exile had given themselves the victory, believed the law to be as good as passed; and so far as the older senators were concerned, they had indeed relinquished their grasp upon the government; but the juniors, especially those who had been of Caeso's fellowship, grew more bitter against the plebs, and their courage ran as high as ever. Yet they greatly promoted their cause by tempering their fury with a kind of moderation. At the first attempt after Caeso's exile to pass the law, they were organized and ready, and fell upon the tribunes with a great army of clients, as soon as the tribunes gave them an excuse by attempting to remove them; in such wise that no single patrician came off with any

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[2] The *Trastevere* was not incorporated in the City till Augustus made of it his fourteenth region.
[3] The Terentilian Law. See chap. ix.

A.U.C. 293 sunt ut nemo unus inde praecipuum quicquam gloriae domum invidiaeve ferret, mille pro uno Caesones
5 exstitisse plebes quereretur. Mediis diebus quibus tribuni de lege non agerent, nihil eisdem illis placidius aut quietius erat. Benigne salutare, adloqui plebis homines, domum invitare, adesse in foro, tribunos ipsos cetera pati sine interpellatione concilia habere, numquam ulli neque publice neque privatim truces esse, nisi cum de lege agi coeptum esset; alibi popularis iuventus erat. Ne voce quidem incommodi, nedum ut ulla vis fieret, paulatim permulcendo tractandoque mansuefecerant plebem. His per totum
6 annum artibus lex elusa est. Nec cetera modo tribuni tranquillo peregere, sed refecti quoque in insequentem annum.[1]

A.U.C. 294 XV. Accipiunt civitatem placidiorem consules C. Claudius Appi filius et P. Valerius Publicola. Nihil novi novus annus attulerat; legis ferendae aut acci-
2 piendae cura civitatem tenebat. Quantum iuniores patrum plebi se magis insinuabant, eo acrius contra tribuni tendebant ut plebi suspectos eos criminando
3 facerent: coniurationem factam; Caesonem Romae esse; interficiendorum tribunorum, trucidandae ple-

[1] nec cetera, etc. *The MSS. put this sentence after* iuuentus erat. *The transposition is due to Conway and Walters.*

conspicuous share of glory or unpopularity, and the B.C. 461
plebeians complained that a thousand Caesos had sprung up in the place of one. During the intervening days on which the tribunes took no action about the law, nothing could have been more peaceable or quiet than these same youths. They would salute plebeians courteously, converse with them, invite them to their houses, assist them in the courts, and permit the tribunes themselves to hold their other assemblies without interruption. They never displayed arrogance towards any one, either openly or in private, except when the law came up; at other times they were democratic. By avoiding so much as an offensive word, to say nothing of any sort of violence, they managed little by little, with gentleness and tact, to disarm the hostility of the plebs. By such arts the law was evaded for an entire year. And yet not only did the tribunes carry through their other measures without opposition, but they were even re-elected for the following twelvemonth.

XV. The state was less distracted when the con- B.C. 460
suls Gaius Claudius, the son of Appius, and Publius Valerius Publicola assumed control. No new difficulty had come in with the new year; anxiety to pass the law on the one side, and on the other the dread of having to accept it, occupied the thoughts of the citizens. The more the younger patricians tried to ingratiate themselves with the plebs, the more sharply were they opposed by the tribunes, who endeavoured by bringing charges against their adversaries to make the plebeians suspect them: A conspiracy had been formed; Caeso was in Rome; plans had been laid to kill the tri-

A.U.C. 294 bis consilia inita; id negotii datum ab senioribus
patrum ut iuventus tribuniciam potestatem e re
publica tolleret formaque eadem civitatis esset quae
4 ante Sacrum montem occupatum fuerat. Et a Volscis
et Aequis statum iam ac prope sollemne in singulos
annos bellum timebatur, propiusque aliud novum
5 malum necopinato exortum. Exsules servique, ad
duo milia[1] hominum et quingenti, duce Ap. Her-
donio Sabino nocte Capitolium atque arcem occu-
6 pavere. Confestim in arce facta caedes eorum qui
coniurare et simul capere arma noluerant: alii inter
tumultum praecipites pavore in forum devolant.
Alternae voces "Ad arma!" et "Hostes in urbe
7 sunt" audiebantur. Consules et armare plebem et
inermem pati timebant incerti quod malum re-
pentinum, externum an intestinum, ab odio plebis
an ab servili fraude, urbem invasisset. Sedabant
tumultus, sedando interdum movebant; nec enim
poterat pavida et consternata multitudo regi imperio.
8 Dant tamen arma, non volgo, tantum ut incerto
hoste praesidium satis fidum ad omnia esset. Solliciti
reliquum noctis incertique qui homines, quantus
numerus hostium esset, in stationibus disponendis
ad opportuna omnis urbis loca egere. Lux deinde
9 aperuit bellum ducemque belli. Servos ad liberta-

[1] duo milia ς: ∞ ∞ milia Ω: ccc milia *O*: cccc milia *P²FUBD³* (*cf. Dion. Hal.* x. xiv. 1).

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[1] Livy implies that Coriolanus and Caeso were not the only citizens who had been compelled to leave Rome during the quarrels between senate and plebs.

bunes and massacre the plebs; the elder patricians B.C. 460 had intrusted the younger men with the task of abolishing the tribunician power from the commonwealth, that the state might have the same aspect it had worn before the occupation of the Sacred Mount. Also men feared the Volsci and Aequi, whose attack was by this time almost a regular and stated custom of annual recurrence; and a new and unexpected danger sprang up nearer home. Exiles[1] and slaves to the number of twenty-five hundred, led by Appius Herdonius, the Sabine, came by night and seized the Capitol and the Citadel. They at once put to the sword those in the Citadel who refused to conspire and take up arms with them. Some escaped in the confusion and ran down terror-stricken into the Forum. Alternating cries were heard, "To arms!" and "The enemy is in the City!" The consuls were afraid either to arm the plebs or to leave them unarmed, not knowing whence this sudden attack upon the City had come, whether from without or from within, from the hatred of the plebs or the treachery of slaves. They tried to still the uproar, and sometimes by their efforts made it the greater; for the trembling, panic-stricken multitude could not be controlled by authority. Nevertheless they gave out arms, not to everybody, but only so far as to insure, in the uncertainty regarding their foe, that there should be a fairly dependable defence for any emergency. Filled with concern, and wondering who their enemy was and what his numbers, they employed the rest of the night in disposing pickets at suitable points throughout the City. Then came daylight and disclosed the nature of the war and its

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tem Ap. Herdonius ex Capitolio vocabat: se miserrimi cuiusque suscepisse causam, ut exsules iniuria pulsos in patriam reduceret et servitiis grave iugum demeret. Id malle populo Romano auctore fieri: si ibi spes non sit, se Volscos et Aequos et omnia extrema temptaturum et concitaturum.

XVI. Dilucere res magis patribus atque consulibus. Praeter ea tamen quae denuntiabantur, ne Veientium neu Sabinorum id consilium esset timere,
2 et, cum tantum in urbe hostium esset, mox Sabinae Etruscaeque legiones ex composito adessent, tum aeterni hostes, Volsci et Aequi, non ad populandos, ut ante, fines sed ad urbem ut ex parte captam
3 venirent. Multi et varii timores; inter ceteros eminebat terror servilis, ne suus cuique domi hostis esset, cui nec credere nec non credendo, ne infestior
4 fieret, fidem abrogare satis erat tutum; vixque concordia sisti videbatur posse. Tantum superantibus aliis ac mergentibus malis nemo tribunos aut plebem timebat; mansuetum id malum et per aliorum quietem malorum semper exoriens tum quiesse[1] pere-
5 grino terrore sopitum videbatur. At[2] id prope unum

[1] tum quiesse *Scheller*: tumque esse Ω. [2] at *U*ς: ad Ω.

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[1] Caeso had taken refuge with the Etruscans (chap. xiii. § 8).

leader. From the Capitol Herdonius was calling the slaves to freedom; he had undertaken, he said, the cause of all the wretched, that he might bring back to their native land the exiles who had been wrongfully expelled, and release the slaves from their heavy yoke; he had rather this were done with the approval of the Roman people: if there were no hope in that quarter, he would call in the Volsci and the Aequi and leave no desperate measure unattempted. B.C. 460

XVI. The situation became clearer to the senators and the consuls. Still, besides the dangers with which they were publicly threatened, they were afraid that this might be a ruse of the Veientes or the Sabines, and that while there were so many enemies within the City, Sabine and Etruscan levies might presently combine for an invasion;[1] or again that their perpetual foes, the Volsci and Aequi, might come, not as before to lay waste their fields, but to the City, which they would regard as already partly captured. Men's fears were many and various; above all the rest stood out their dread of the slaves. Everybody suspected that he had an enemy in his own household, whom it was safe neither to trust, nor, from want of confidence, to refuse to trust, lest his hostility should be intensified; and it seemed hardly possible that even co-operation between the classes should arrest the danger. So greatly did other evils overtop and threaten to engulf them that no one feared the tribunes or the plebeians; that seemed a milder mischief, and springing up, as it always did, when other troubles were quieted, appeared now to have been lulled to sleep by the foreign peril. But in fact it bore down almost

A.U.C. 294 maxime inclinatis rebus incubuit. Tantus enim tribunos furor tenuit ut non bellum sed vanam imaginem belli ad avertendos ab legis cura plebis animos Capitolium insedisse contenderent; patriciorum hospites clientesque si perlata lege frustra tumultuatos esse se sentiant, maiore quam venerint silentio
6 abituros. Concilium inde legi[1] perferendae habere avocato[2] populo ab armis. Senatum interim consules habent alio se maiore ab tribunis metu ostendente, quam quem nocturnus hostis intulerat.

XVII. Postquam arma poni et discedere homines ab stationibus nuntiatum est, P. Valerius collega senatum retinente se ex curia proripit, inde in tem-
2 plum ad tribunos venit. "Quid hoc rei est" inquit, "tribuni? Ap. Herdonii ductu et auspicio rem publicam eversuri estis? Tam felix vobis corrumpendis fuit qui servitia non commovit auctor? Cum hostes supra caput sint, discedi ab armis legesque ferri
3 placet?" Inde ad multitudinem oratione versa: "Si vos urbis, Quirites,[3] si vestri nulla cura tangit, at vos veremini deos vestros ab hostibus captos. Iuppiter optimus maximus, Iuno regina et Minerva, alii di deaeque obsidentur; castra servorum publicos vestros
4 penates tenent; haec vobis forma sanae civitatis videtur? Tantum hostium non solum intra muros est

[1] legi Ω: legis *O*. [2] avocato ς F^3U^2: aduocato Ω.
[3] urbis, Quirites *Sabellicus*: urbisque Ω.

[1] The word *templum* means any place marked off with augural rites. The *templum* meant here is the Comitium.

more heavily than anything else upon their sinking fortunes. For so frenzied were the tribunes that they asserted it was no war which had taken possession of the Capitol, but an idle mimicry of war, got up to divert the minds of the plebeians from thinking about the law; the patricians' friends and retainers would depart, when the passing of the law showed them how useless had been their insurrection, even more silently than they had come. They then convened an assembly to carry the measure through, having called the people away from their service as soldiers. Meantime the consuls were holding a meeting of the senate, where more fear of the tribunes was manifested than the night-attack of the enemy had caused. B.C. 460

XVII. On being informed that the men were laying down their arms and quitting their posts, Publius Valerius left his colleague to keep the senate together, and hurrying from the Curia sought out the tribunes in their meeting-place.[1] "What means this, tribunes?" he exclaimed, "Are you going to overturn the state under the leadership and auspices of Appius Herdonius? Has he who could not arouse the slaves been so successful in corrupting you? With the enemy over your heads can you choose to quit your arms and legislate?" Then, turning to the crowd, he continued: "If you feel no concern, Quirites, for your City, or for yourselves, yet fear your gods, whom the enemy hold captive. Jupiter Optimus Maximus, Queen Juno, and Minerva, and the other gods and goddesses, are beleaguered; a camp of slaves is in possession of the tutelary deities of your country; does this seem to you a healthy polity? All these foes are not merely

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sed in arce supra forum curiamque; comitia interim
in foro sunt, senatus in curia est; velut cum otium
superat, senator sententiam dicit, alii Quirites suffra-
5 gium ineunt. Non quidquid patrum plebisque est,
consules, tribunos, deos hominesque omnes armatos
opem ferre, in Capitolium currere, liberare ac pacare
augustissimam illam domum Iovis optimi maximi de-
6 cuit? Romule pater, tu mentem tuam, qua quondam
arcem ab his iisdem Sabinis auro captam recepisti, da
stirpi tuae; iube hanc ingredi viam, quam tu dux, quam
tuus ingressus exercitus est! Primus en ego consul,
quantum mortalis deum possum, te ac tua vestigia
7 sequar." Ultimum orationis fuit: se arma capere,
vocare omnes Quirites ad arma. Si qui impediat,
iam se consularis imperii, iam tribuniciae potestatis
sacratarumque legum oblitum, quisquis ille sit, ubi-
cumque sit, in Capitolio, in foro, pro hoste habiturum.
8 Iuberent tribuni, quoniam in Ap. Herdonium vetarent,
in P. Valerium consulem sumi arma; ausurum se in
tribunis, quod princeps familiae suae ausus in regibus
9 esset. Vim ultimam apparebat futuram spectacu-
loque seditionem Romanam hostibus fore. Nec lex
tamen ferri nec ire in Capitolium consul potuit.
Nox certamina coepta oppressit. Tribuni cessere
10 nocti, timentes consulum arma. Amotis inde sedi-

[1] Publius Valerius, son of Volesus (I. lviii. 6), afterwards called Publicola (II. viii. 1).

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within our walls, but in the Citadel, above the Forum and the Curia; the people meanwhile are assembled in the Forum, and in the Curia sits the senate; as when peace reigns supreme, the senator gives voice to his opinion, the other Quirites vote. Should not every patrician and plebeian, the consuls, the tribunes, gods, and men, all have drawn the sword and helped; have rushed upon the Capitol; have brought liberty and peace to that most august house of Jupiter Optimus Maximus? Father Romulus, grant thou to thy descendants that spirit in which thou didst aforetime regain thy Citadel from these same Sabines, when they had captured it with gold; bid them advance by that road where thou didst lead, and thy army followed. Lo, I the consul will be the first, so far as mortal can emulate a god, to follow in thy footsteps!" He ended by announcing that he drew his sword and called to arms all the Quirites; if any hindered, he should no longer remember consular authority, nor tribunician power, nor the guarantees of sanctity; whoever the man, wherever he might be,—on the Capitol, in the Forum,—he should hold him a public enemy. Since the tribunes forbade them to arm against Appius Herdonius, let them order an attack on Publius Valerius the consul; he would not fear to deal with tribunes as the founder of his family[1] had dealt with kings. It was evident that there would soon be an appeal to force, and that the enemy would be afforded the spectacle of mutiny among the Romans. Yet it was equally impossible for the law to be carried and for the consul to go up into the Capitol. Night put an end to the struggle. The tribunes retired as darkness fell, fearing the armed strength

A.U.C. 294 tionis auctoribus patres circumire plebem inserentesque se in circulos sermones tempori aptos serere, admonere ut viderent in quod discrimen rem publi-
11 cam adducerent: non inter patres ac plebem certamen esse, sed simul patres plebemque, arcem urbis, templa deorum, penates publicos privatosque hostibus dedi.
12 Dum haec in foro sedandae discordiae causa aguntur, consules interim, ne Sabini neve Veiens[1] hostis moveretur, circa portas murosque discesserant.

XVIII. Eadem nocte et Tusculum de arce capta Capitolioque occupato et alio turbatae urbis statu
2 nuntii veniunt. L. Mamilius Tusculi tum dictator erat. Is confestim convocato senatu atque intro-
3 ductis nuntiis magno opere censet ne exspectent dum ab Roma legati auxilium petentes veniant; periculum ipsum discrimenque ac sociales deos fidemque foederum id poscere. Demerendi[2] beneficio tam potentem, tam propinquam civitatem numquam
4 parem occasionem daturos deos. Placet ferri auxilium; iuventus conscribitur, arma dantur. Romam prima luce venientes procul speciem hostium praebuere; Aequi aut Volsci venire visi sunt; deinde ubi vanus terror abiit, accepti in urbem agmine in

[1] neve Veiens *MHR*: ne ueiens *PFUODL*: ne ueniens *F*? *B*.
[2] demerendi ς: demereno (*or* de merendo) Ω: demorendo *B*.

of the consuls. When the instigators of insurrection B.C. 46 were once out of the way, the Fathers went about among the plebs, and mingling with the different groups, talked to them in a strain adapted to the crisis. They warned them to have a care into what straits they brought the nation: It was not between patricians and plebeians that the conflict lay; patricians and plebeians alike, the Citadel of the City, the temples of the gods, and the guardian deities of the state and of private citizens, were being surrendered to enemies. Such were the means employed in the Forum to allay dissension. Meanwhile the consuls, lest Sabine or Veientine enemies might be afoot, had set out to make the round of the gates and walls.

XVIII. That same night Tusculum received tidings of the capture of the Citadel, the seizure of the Capitol, and the general disorder in the City. Lucius Mamilius was then dictator at Tusculum. He at once convoked the senate; and having introduced the messengers, expressed an earnest conviction that they ought not to wait till ambassadors should come from Rome requesting help; her perilous and critical situation spoke for itself—the gods of their alliance and the obligations of their treaty called on them to act. Heaven would never bestow on them an equal opportunity to earn the gratitude of so powerful and so near a state, by doing it a service. The senate resolved to help. The young men were enrolled, and arms were issued. As they marched towards Rome in the early dawn, the Tusculans, who were seen a long way off, were taken for enemies; it looked like an invasion of the Aequi or the Volsci. When the alarm proved groundless, they were

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5 forum descendunt. Ibi iam P. Valerius relicto ad
6 portarum praesidia collega instruebat aciem. Auctoritas viri moverat adfirmantis Capitolio reciperato et urbe pacata si edoceri se sissent,[1] quae fraus ab tribunis occulta in lege ferretur, memorem se maiorum suorum, memorem cognominis quo populi colendi velut hereditaria cura sibi a maioribus tradita esset,
7 concilium plebis non impediturum. Hunc ducem secuti nequiquam reclamantibus tribunis in clivum Capitolinum erigunt aciem. Adiungitur et Tusculana legio. Certare socii civesque, utri reciperatae arcis suum decus facerent; dux uterque suos adhortatur.
8 Trepidare tum hostes, nec ulli satis rei praeterquam loco fidere; trepidantibus inferunt signa Romani sociique, iam in vestibulum perruperant templi, cum P. Valerius inter primores pugnam ciens interficitur.
9 P. Volumnius consularis vidit cadentem. Is dato negotio suis ut corpus obtegerent, ipse in locum vicemque consulis provolat. Prae ardore impetuque tantae rei sensus non pervenit ad militem; prius
10 vicit quam se pugnare sine duce sentiret. Multi exsulum caede sua foedavere templa,[2] multi vivi capti, Herdonius interfectus. Ita Capitolium reci-

[1] si edoceri se sissent *Rhenanus*: si se doceri sensissent Ω: si se doceri siuissent *U*^{2}ς.
[2] templa *V*: templum (templi *DL*) Ω.

received into the City, and marched in column down into the Forum. There they found Publius Valerius, who had left his colleague to protect the gates and was marshalling his army. The personal influence of the man had prevailed. He had assured the people that when the Capitol should be won back and peace restored in the City, if they would permit him to point out to them the mischief which lurked in the law the tribunes were proposing, he would remember his forefathers and the surname with which he had, as it were, inherited from those forefathers the charge of caring for the people, nor would he interfere with the council of the plebs. Following him as their leader, despite the idle efforts of the tribunes to restrain them, they advanced up the Clivus Capitolinus, accompanied by the troops from Tusculum. It was a contest between the allies and the citizens, which should obtain the honour of recovering the Citadel. The leader of each party urged on his followers. The enemy now began to quake with fear, having no great confidence in anything but their position. As they stood there quaking, the Romans and their allies assailed them. They had already burst into the vestibule of the temple, when Publius Valerius was killed, as he was directing the attack in the van. Publius Volumnius, a former consul, saw him fall. Charging his men to cover up the body, he threw himself into the consul's place. In the ardour and enthusiasm of the soldiers so important an event passed unnoticed; and they had won the victory before they realized that they were fighting without their leader. Many of the exiles stained the temples with their blood; many were taken alive; Herdonius was slain. Thus the Capitol B.C. 460

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peratum. De captivis, ut quisque liber aut servus
esset, suae fortunae a quoque sumptum supplicium
est; Tusculanis gratiae actae; Capitolium purgatum
11 atque lustratum. In consulis domum plebes quad-
rantes ut funere ampliore efferretur[1] iactasse fertur.

XIX. Pace parta instare tum tribuni patribus ut
P. Valeri fidem exsolverent, instare C. Claudio,[2] ut
collegae deos manes fraude liberaret, agi de lege
sineret. Consul antequam collegam sibi subrogasset
2 negare passurum agi de lege. Hae tenuere conten-
tiones usque ad comitia consulis subrogandi. De-
cembri mense summo patrum studio L. Quinctius
Cincinnatus, pater Caesonis, consul creatur, qui
3 magistratum statim occiperet. Perculsa erat plebes
consulem habitura iratum, potentem favore patrum,
virtute sua, tribus liberis, quorum nemo Caesoni
cedebat magnitudine animi, consilium et modum
4 adhibendo ubi res posceret priores erant. Is ut
magistratum iniit, adsiduis contionibus pro tribunali
non in plebe coercenda quam senatu castigando
vehementior fuit, cuius ordinis languore perpetui
iam tribuni plebis, non ut in re publica populi
Romani sed ut in perdita domo lingua criminibusque

[1] efferretur F^3 (*over erasure*): referretur *RDL*: ferretur (amplio referretur *H*) Ω.
[2] C. Claudio *H. J. Mueller*: Claudio Ω.

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[1] *Cf.* the funeral of his father (II. xvi. 7), and of Menenius Agrippa (II. xxxiii. 11).

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was regained. The captives, according as they were free or slave, paid the penalty appropriate in each case to their condition; the Tusculans were thanked; the Capitol was purged and ceremonially purified. It is said that the plebeians flung their coppers into the consul's house, that he might be given a grander funeral.[1]

XIX. When peace had been established, the tribunes began to urge the patricians to fulfil the promise made by Publius Valerius; and to urge Gaius Claudius to absolve the manes of his colleague from deceit, and allow the law to be discussed. The consul refused to permit discussion of the law, until he should have accomplished the election of a colleague. These disputes continued up to the time when the comitia met to fill the vacant consulate. In December, thanks to extraordinary zeal on the part of the patricians, Lucius Quinctius Cincinnatus, Caeso's father, was declared consul, to enter upon the office at once. The plebs were filled with dismay at the prospect of a consul incensed against themselves and strong in the favour of the senate, his own worth, and his three sons, none of whom was inferior to Caeso in courage, while they surpassed him in using wisdom and restraint when the need arose. Cincinnatus, having taken up the magistracy, harangued the people incessantly from the tribunal; yet was no more vehement in repressing the plebs than in castigating the senate. It was owing, he declared, to the apathy of that order that the tribunes of the plebs, whose tenure was now become permanent, exercised such a tyranny of speech and accusation as might be expected in a disordered household, but not in the public affairs of the Roman

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5 regnarent. Cum Caesone filio suo virtutem, constantiam, omnia iuventutis belli domique decora pulsa ex urbe Romana et fugata esse; loquaces, seditiosos, semina discordiarum, iterum ac tertium tri-
6 bunos pessimis artibus regia licentia vivere. "Aulus" inquit "ille Verginius, quia in Capitolio non fuit, minus supplicii quam Ap. Herdonius meruit? Plus hercule aliquanto, qui vere rem aestimare velit. Herdonius, si nihil aliud, hostem se fatendo prope denuntiavit ut arma caperetis; hic negando bellum[1] esse arma vobis ademit nudosque servis vestris et
7 exsulibus obiecit. Et vos—C. Claudi pace et P. Valeri mortui loquar—prius in clivum Capitolinum signa intulistis quam hos hostes de foro tolleretis? Pudet deorum hominumque. Cum hostes in arce, in Capitolio essent, exsulum et servorum dux profanatis omnibus in cella Iovis optimi maximi habitaret, Tusculi ante quam Romae sumpta sunt arma;
8 in dubio fuit, utrum L. Mamilius, Tusculanus dux, an P. Valerius et C. Claudius consules Romanam arcem liberarent; et qui ante Latinos ne pro se quidem ipsis, cum in finibus hostem haberent, attingere arma passi sumus, nunc, nisi Latini sua sponte
9 arma sumpsissent, capti et deleti eramus. Hoc est, tribuni, auxilium plebi ferre, inermem eam hosti trucidandam obicere? Scilicet, si quis vobis humil-

[1] bellum *Madvig*: bella Ω.

People. With his son Caeso, manhood, steadfastness, and all the qualities which honour youth in war and in civil life had been driven from Rome and put to rout. Garrulous, seditious, sowers of discord, obtaining office—by the most wicked practices—for a second and even a third term, the tribunes led as lawless a life as kings. "Did Aulus Verginius," he cried, "because he was not in the Capitol, deserve less punishment than Appius Herdonius? Nay, somewhat more, if one were disposed to be fair. Herdonius had one thing to his credit: by professing himself an enemy, he as good as warned you to arm; the other, denying the existence of a war, took away your arms and exposed you unprotected to your slaves and exiles. And did you—without offence to Gaius Claudius and the dead Publius Valerius be it said,—did you carry your standards against the Capitoline Hill before clearing these enemies out of the Forum? I am ashamed in the sight of gods and men. When foes were in the Citadel, foes in the Capitol, when the captain of slaves and exiles, profaning everything, was quartered in the very shrine of Jupiter Optimus Maximus, it was Tusculum—not Rome—where the first sword was drawn. It was a question whether Lucius Mamilius, the Tusculan general, or Publius Valerius and Gaius Claudius, the consuls, would free the Roman Citadel; and we who until then did not allow the Latins to touch their weapons, even in their own defence, though they had an enemy within their borders, had now, unless the Latins had armed of their own free will, been taken captive and destroyed. Is this, tribunes, what you mean by helping the plebs,—to deliver them over unarmed to be slaughtered by the enemy? Why,

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A.U.C. 294 limus homo de vestra plebe, quam partem velut abruptam a cetero populo vestram patriam peculiaremque rem publicam fecistis, si quis ex his domum suam obsessam[1] a familia armata nuntiaret, ferendum
10 auxilium putaretis: Iuppiter optimus maximus exsulum atque servorum saeptus armis nulla humana ope dignus erat? Et hi postulant ut sacrosancti habeantur, quibus ipsi di neque sacri neque sancti sunt?
11 At enim divinis humanisque obruti sceleribus legem vos hoc anno perlaturos dictitatis. Tum hercule illo die quo ego consul sum creatus, male gesta res publica est, peius multo, quam cum P. Valerius
12 consul periit,—si tuleritis. Iam primum omnium" inquit, "Quirites, in Volscos et Aequos mihi atque collegae legiones ducere in animo est. Nescio quo fato magis bellantes quam pacati propitios habemus deos. Quantum periculum ab illis populis fuerit, si Capitolium ab exsulibus obsessum scissent, suspicari de praeterito quam re ipsa experiri est melius."

XX. Moverat plebem oratio consulis; erecti patres restitutam credebant rem publicam. Consul alter, comes animosior quam auctor, suscepisse collegam priorem actiones[2] tam graves[3] facile passus, in peragendis consularis officii partem ad se vindicabat.
2 Tum tribuni, eludentes velut vana dicta persequi

[1] obsessam Ω: oppressam V. [2] actiones ς: actionem Ω.
[3] graves ς: grauis Ω.

if the humblest man belonging to your plebs, a part B.C. 460 of the people which you have sundered, as it were, from the rest and made a country of your own and a state apart,—if one of these, I say, had announced that his slaves had armed and seized his house, you would have thought yourselves bound to help him; was Jupiter Optimus Maximus, beset by the swords of exiles and slaves, too mean to merit any man's assistance? And do these tribunes demand that they be held sacred and inviolable, in whose eyes the very gods are neither the one nor the other? So! Weighed down with crimes against gods and men you assert that you will carry through your law this year! Then, by Heaven, it was an evil day for the nation when I was chosen consul, far more evil than when Publius Valerius the consul fell,—if indeed you carry it! First of all then, Quirites," he concluded, "I and my colleague are resolved to lead the legions against the Volsci and the Aequi. We are somehow fated to enjoy the favour of the gods in larger measure when warring than when at peace. How dangerous these peoples would have been, had they known that the Capitol was seized by exiles, we may more profitably conjecture from the past than ascertain by trying it."

XX. The consul's speech had moved the plebs, and the senators took courage, believing that the state was on its feet again. The other consul, more spirited in co-operation than invention, had been quite willing that his colleague should take the lead in initiating such weighty measures; but in carrying them out he claimed for himself a share of the duties of the consulship. Then the tribunes, jeering at what they termed the idle words of Cincin-

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quaerendo quonam modo exercitum educturi consules essent quos dilectum habere nemo passurus
3 sit.[1] "Nobis vero" inquit Quinctius "nihil dilectu opus est, cum, quo tempore P. Valerius ad recipiundum Capitolium arma plebi dedit, omnes in verba iuraverint conventuros se iussu consulis nec iniussu
4 abituros. Edicimus itaque, omnes qui in verba iurastis crastina die armati ad lacum Regillum adsitis." Cavillari tum tribuni et populum exsolvere religione velle: privatum eo tempore Quinctium
5 fuisse cum sacramento adacti sint. Sed nondum haec quae nunc tenet saeculum neglegentia deum venerat, nec interpretando sibi quisque ius iurandum et leges aptas faciebat, sed suos potius mores ad ea
6 accommodabat. Igitur tribuni, ut impediendae rei nulla spes erat, de proferendo exitu[2] agere, eo magis, quod et augures iussos adesse ad Regillum lacum fama exierat, locumque inaugurari ubi auspicato cum populo agi posset, ut quidquid Romae vi tribunicia rogatum esset id comitiis ibi abrogaretur:
7 omnes id iussuros quod consules velint;[3] neque enim provocationem esse longius ab urbe mille passuum, et tribunos, si eo veniant, in alia turba
8 Quiritium subiectos fore consulari imperio. Terrebant haec; sed ille maximus terror animos agitabat,

[1] sit *PFUBO*: esset *MHRDL*.
[2] de proferendo exitu *Perizonius*: de proferendo exercitu Ω.
[3] velint *V*: vellent Ω.

B.C. 460

natus, proceeded to inquire how the consuls were going to lead out an army, when no one would permit them to hold a levy. "But we have no need of a levy," said Quinctius, "for when Publius Valerius gave arms to the people for the recovery of the Capitol, they all made oath that they would assemble at the bidding of the consul and not depart without his order. We therefore command that all you who took the oath report to-morrow, armed, at Lake Regillus." Whereupon the tribunes, seeking to release the people from their obligation, resorted to a quibble: Quinctius had been a private citizen at the time when they bound themselves by the oath. But there had not yet come about that contempt for the gods which possesses the present generation; nor did everybody seek to construe oaths and laws to suit himself, but rather shaped his own practices by them. Accordingly the tribunes, as there was no prospect of thwarting the design, concerned themselves with retarding the departure; the more so since a story was about that the augurs had been commanded to present themselves at Lake Regillus, there to inaugurate a place where the auspices could be taken and matters brought before the people, to the end that whatever had been enacted at Rome—thanks to the violence of the tribunes—might there be repealed by the comitia; everybody, they said, would vote as the consuls wished; for there was no appeal when one was more than a mile from the City, and the tribunes, if they should come there, would be subjected, amongst the rank and file of the citizens, to the consular authority. These were terrifying rumours, but far the greatest terror that preyed

A.U.C. 294

quod saepius Quinctius dictitabat se consulum comitia non habiturum; non ita civitatem aegram esse ut consuetis remediis sisti possit;[1] dictatore opus esse rei publicae, ut qui se moverit ad sollicitandum statum civitatis sentiat sine provocatione dictaturam esse.

XXI. Senatus in Capitolio erat; eo tribuni cum perturbata plebe veniunt. Multitudo clamore ingenti nunc consulum, nunc patrum fidem implorant nec ante moverunt de sententia consulem quam tribuni se in auctoritate patrum futuros esse polliciti
2 sunt. Tunc referente consule de tribunorum et plebis postulatis senatus consulta fiunt ut[2] neque tribuni legem eo anno ferrent neque consules ab urbe exercitum educerent; in reliquum magistratus continuari et eosdem[3] tribunos refici iudicare sena-
3 tum contra rem publicam esse. Consules fuere in patrum potestate: tribuni reclamantibus consulibus refecti. Patres quoque, ne quid cederent plebi, et ipsi L. Quinctium consulem reficiebant. Nulla toto
4 anno vehementior actio consulis fuit. "Mirer" inquit, "si vana vestra, patres conscripti, auctoritas ad plebem est? Vos elevatis eam; quippe qui quia[4] plebs senatus consultum continuandis[5] magistratibus
5 solvit, ipsi quoque solutum voltis, ne temeritati

[1] possit ς: posset Ω. [2] fiunt ut *V*: fiunt Ω.
[3] eosdem *V*ς: eos Ω.
[4] qui quia *Madvig*: quia quia *V*: quia Ω.
[5] continuandis *Madvig*: in continuandis Ω.

upon their spirits was this, that Quinctius repeatedly declared that he would hold no consular election; the disease of the commonwealth was not one that could be cured by ordinary remedies; the nation needed a dictator, that whoever went about to disturb the state might learn that the dictatorship knew no appeal. B.C. 460

XXI. The senate was in the Capitol. Thither came the tribunes with the troubled plebs. The multitude loudly besought protection, now of the consuls, now of the senators. Yet they could not move the consul from his purpose, until the tribunes had promised that they would submit to the authority of the Fathers. The consul then brought up the demands of the tribunes and the plebs, and the senate resolved that neither should the tribunes proceed with the law that year, nor the consuls lead the army out of the City; that as regarded the future, it was the sense of the senate that for magistrates to succeed themselves and for the same tribunes to be re-elected was contrary to the general welfare. The consuls acquiesced in the authority of the Fathers; the tribunes, in spite of the protests of the consuls, were returned to office. Then the patricians also, that they might yield in no respect to the plebs, would themselves have re-elected Lucius Quinctius consul. At no time during the entire year did the consul express himself with greater vehemence. "Can I wonder," he cried, "if your influence with the people, Conscript Fathers, is unavailing? You yourselves impair it, when, because the people have disregarded the senate's resolution regarding successive terms, you desire to disregard it yourselves, that you may not lag behind

A.U.C. 294 multitudinis cedatis, tamquam id sit plus posse in civitate plus levitatis ac licentiae habere. Levius enim vaniusque profecto est sua decreta et consulta
6 tollere quam aliorum. Imitamini, patres conscripti, turbam inconsultam, et qui exemplo aliis esse debetis aliorum exemplo peccate[1] potius quam alii vestro recte faciant, dum ego ne imiter tribunos nec me contra senatus consultum consulem renuntiari
7 patiar. Te vero, C. Claudi, adhortor, ut et ipse populum Romanum hac licentia arceas et de me hoc tibi persuadeas, me ita accepturum ut non honorem meum a te impeditum, sed gloriam spreti honoris auctam, invidiam quae[2] ex continuato eo impenderet
8 levatam putem." Communiter inde edicunt ne quis L. Quinctium consulem faceret; si quis fecisset, se
A.U.C. 295 id suffragium non observaturos. XXII. Consules creati Q. Fabius Vibulanus tertium et L. Cornelius Maluginensis. Census actus eo anno: lustrum propter Capitolium captum, consulem occisum condi religiosum fuit.

2 Q. Fabio L. Cornelio consulibus principio anni statim res turbulentae. Instigabant plebem tribuni; bellum ingens a Volscis et Aequis Latini atque Hernici nuntiabant: iam Antii Volscorum legiones esse. Et ipsam coloniam ingens metus erat defec-

[1] peccate *Klock*: peccatis Ω.
[2] invidiam quae *VH*: inuuidiamque quae Ω: inuuidiam quaeque *D? L*.

the multitude in rashness; as if to be more inconstant and more lawless were to possess more power in the state. For surely it is more fickle and light-minded to nullify one's own decrees and resolutions, than those of others. Pattern yourselves, Conscript Fathers, after the thoughtless crowd; and do you, who ought to set others an example, err rather by the example of those others, than permit them to follow yours and do right. But I, with your leave, will not imitate the tribunes, nor suffer myself to be named consul against the senate's resolution. As for you, Gaius Claudius, I urge that you too restrain the Roman People from this lawlessness; and for my own part be assured I shall not feel that your action has stood in the way of my election, but that my renown has gained by my refusal of the office, and that the odium which threatened me from its continuation has been removed." They then united in an edict that no one should vote for Lucius Quinctius for consul; if any man should do so they would disregard his vote. B.C. 460

XXII. The consuls elected were Quintus Fabius Vibulanus (for the third time) and Lucius Cornelius Maluginensis. The census was taken that year, but there were scruples against performing the lustral sacrifice, on account of the seizure of the Capitol and the slaying of the consul. B.C. 459

The consulship of Quintus Fabius and Lucius Cornelius was a stormy one from the very beginning of the year. The tribunes egged on the plebs; the Latins and the Hernici reported that a great attack was being launched by the Volsci and the Aequi, and that Volscian levies were already at Antium. There was much apprehension too lest the colony

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turam; aegreque impetratum a tribunis ut bellum
3 praeverti sinerent. Consules inde partiti provincias:
Fabio ut legiones Antium duceret datum, Cornelio[1]
ut Romae praesidio esset, ne qua pars hostium, qui
4 Aequis mos erat, ad populandum veniret. Hernici
et Latini iussi milites dare ex foedere, duaeque
partes sociorum in exercitu, tertia civium fuit. Post-
quam ad diem praestitutum venerunt socii, consul
extra portam Capenam castra locat. Inde lustrato
exercitu Antium profectus haud procul oppido sta-
5 tivisque hostium consedit. Ubi cum Volsci, quia
nondum ab Aequis venisset exercitus, dimicare non
ausi, quem ad modum quieti vallo se tutarentur,
pararent, postero die Fabius non permixtam unam
sociorum civiumque sed trium populorum tres sepa-
ratim acies circa vallum hostium instruxit; ipse erat
6 medius cum legionibus Romanis. Inde signum ob-
servare iussit, ut pariter et socii rem inciperent
referrentque pedem, si receptui cecinisset. Equites
7 item suae cuique parti post principia collocat. Ita
trifariam adortus castra circumvenit et, cum undique
instaret, non sustinentes impetum Volscos vallo
deturbat. Transgressus inde munitiones pavidam
turbam inclinatamque in partem unam castris ex-
8 pellit. Inde effuse fugientes eques, cui superare

[1] Cornelio ς: Cornelius Ω.

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[1] *i. e.* over their law.

itself should revolt; and the tribunes were hardly prevailed upon to allow the war to have precedence.[1] Then the consuls divided the commands, appointing Fabius to take the legions to Antium, and Cornelius to defend Rome, lest some part of the enemy, in accordance with the Aequian custom, should make a foray. The Hernici and the Latins were bidden to furnish soldiers, as by treaty bound; two-thirds of the army were allies, one-third citizens. When the allies had reported on the appointed day, the consul encamped outside the Porta Capena. Thence, after purifying the army, he set out for Antium, and took up a position at no great distance from the town and the standing camp of the enemy. There the Volsci, not daring to give battle—for the Aequian army had not yet come up—sought to protect themselves, without fighting, behind their rampart. The next day Fabius, instead of mingling allies and citizens in one line of battle, drew up the three nations in three separate armies, about the enemy's works, taking the centre himself with the Roman legions. He then commanded them all to wait for the signal, that the allies might act with the citizens in beginning the fight, and in retreating, if he should sound the recall. He also stationed the cavalry belonging to each division behind its first line. Advancing thus in three sections he surrounded the camp, and attacking sharply on every side, dislodged the Volsci, who were unable to sustain his charge, from their intrenchments. Passing over these, he drove the frightened rabble before him in one direction and cleared the camp of them. As they dispersed in flight, the cavalry, who had found it difficult to surmount the rampart and had hitherto been mere B.C. 459

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vallum haud facile fuerat, cum ad id spectator pugnae adstitisset, libero campo adeptus parte vic-
9 toriae fruitur territos caedendo. Magna et in castris et extra munimenta caedes fugientium fuit, sed praeda maior, quia vix arma secum efferre hostis potuit. Deletusque exercitus foret, ni fugientis silvae texissent.

XXIII. Dum ad Antium haec geruntur, interim Aequi robore iuventutis praemisso arcem Tusculanam improviso nocte capiunt; reliquo exercitu haud procul moenibus Tusculi considunt ut distenderent host-
2 ium copias. Haec celeriter Romam, ab Roma in castra Antium perlata movent Romanos haud secus quam si Capitolium captum nuntiaretur; adeo et recens erat Tusculanorum meritum et similitudo ipsa peri-
3 culi reposcere datum auxilium videbatur. Fabius omissis omnibus praedam ex castris raptim Antium convehit; ibi modico praesidio relicto citatum agmen Tusculum rapit. Nihil praeter arma et quod cocti[1] ad manum fuit cibi ferre militi licuit; commeatum
4 ab Roma consul Cornelius subvehit. Aliquot menses Tusculi bellatum. Parte exercitus consul castra Aequorum oppugnabat, partem Tusculanis dederat ad arcem reciperandam. Vi nunquam eo subiri[2]

[1] cocti D^1 (*or* D^2) ς: coacti Ω.
[2] subiri *U* (*confirming Gronovius*): subire Ω.

[1] The soldiers ordinarily carried a ration of corn.

spectators of the battle, having now a clear field before them played their part in the victory by cutting off the fugitives. Great was the slaughter inflicted on the enemy as they attempted to escape, both in the camp and outside the works; but the booty was still greater, since they had barely been able to carry away their arms. If the forests had not covered the flight, their army would have been utterly destroyed. B.C. 459

XXIII. While this battle was being fought near Antium, the Aequi had sent forward the flower of their troops, and by a surprise attack at night, had captured the Tusculan citadel. The rest of their army they stationed at a short distance from the walls of the town, in order to induce the enemy to extend his forces. The news of these events being speedily carried to Rome and thence to the camp at Antium, had the same effect upon the Romans as if it had been announced that the Capitol was taken,—so fresh in their recollection was the service done them by the Tusculans, and so strongly did the similarity of the risk which their allies now ran seem to call for repayment of the assistance they had given. Letting everything else go, Fabius quickly conveyed the plunder of the camp to Antium, and leaving there a moderate garrison, hastened by forced marches to Tusculum. The soldiers were allowed to take nothing but their arms and such bread as happened to be at hand;[1] supplies were sent them from Rome by the consul Cornelius. The fighting at Tusculum lasted for some months. With a part of his army the consul laid siege to the camp of the Aequi; a part he had given to the Tusculans to use in recovering the citadel. The place could

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5 potuit; fames postremo inde detraxit[1] hostem. Qua[2] postquam ventum ad extremum est, inermes nudique omnes sub iugum ab Tusculanis missi. Hos ignominiosa fuga domum se recipientes Romanus consul in
6 Algido consecutus ad unum omnes occidit. Victor ad Columen—id loco nomen est—exercitu reducto[3] castra locat. Et alter consul, postquam moenibus iam Romanis pulso hoste periculum esse desierat,
7 et ipse ab Roma profectus. Ita bifariam consules ingressi hostium fines ingenti certamine hinc Volscos, hinc Aequos populantur. Eodem anno descisse Antiates apud plerosque auctores invenio; L. Cornelium consulem id bellum gessisse oppidumque cepisse. Certum adfirmare, quia nulla apud vetustiores scriptores eius rei mentio est, non ausim.

XXIV. Hoc bello perfecto tribunicium domi bellum patres territat. Clamant fraude fieri, quod foris teneatur exercitus; frustrationem eam legis tollendae esse; se nihilo minus rem susceptam
2 peracturos. Obtinuit tamen L. Lucretius,[4] praefectus urbis, ut actiones tribuniciae in adventum consulum
3 differrentur. Erat et nova exorta causa motus. A. Cornelius et Q. Servilius quaestores M. Volscio, quod falsus haud dubie testis in Caesonem exstitisset,

[1] detraxit Ω: traxit *UH*. [2] qua *M*? *Gronovius*: quo Ω.
[3] reducto *V* (*confirming Rubenius and Crevier*): relicto Ω.
[4] L. Lucretius *V*: p. l. lucretius *M*: p. lucretius Ω.

[1] Unidentified. Dion. Hal., x. xxi., calls the town Algidum.

never be entered by assault; but the enemy were finally driven out by hunger. Having thus reduced them to extremities, the Tusculans took away their arms, and stripping them to the tunic, sent them under the yoke. As they were ignominiously fleeing homeward, the Roman consul overtook them on Mount Algidus, and slew them, every man. The victor led his army back to Columen—this is the name of a place[1]—and went into camp. The other consul too, now that the defeat of the enemy had removed all danger from the walls of Rome, set out himself from the City. Thus at two points the consuls invaded the enemy's borders, and with keen rivalry devastated the lands of the Volsci on the one hand, and those of the Aequi on the other. I find in a good many writers that the Antiates revolted that same year; and that Lucius Cornelius the consul conducted the war and took the town. I should not venture to affirm it for a certainty, since there is no mention of the matter in the older historians. B.C. 459

XXIV. This war was no sooner finished, than the patricians were alarmed by one waged against them at home, by the tribunes, who cried out that the army was dishonestly kept afield—a trick intended to frustrate the passage of the law; which, notwithstanding, they had undertaken and proposed to carry through. Still, Lucius Lucretius, the prefect of the City, obtained the postponement of any action by the tribunes until the consuls should have come. There had also arisen a new cause for disquiet. Aulus Cornelius and Quintus Servilius, the quaestors, had summoned Marcus Volscius to trial, on the charge that he had been guilty of undoubted perjury

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4 diem dixerant. Multis enim emanabat indiciis neque
fratrem Volsci ex quo semel fuerit aeger unquam
non modo visum in publico sed ne adsurrexisse
quidem ex morbo, multorumque tabe mensum mor-
5 tuum, nec iis[1] temporibus in quae testis crimen
coniecisset Caesonem Romae visum, adfirmantibus
qui una meruerant secum eum tum frequentem ad
signa sine ullo commeatu fuisse. Nisi ita esset,
6 multi privatim ferebant Volscio iudicem. Cum ad
iudicium ire non auderet, omnes eae res[2] in unum
congruentes haud magis dubiam damnationem Volsci
7 quam Caesonis Volscio teste fuerat[3] faciebant. In
mora tribuni erant, qui comitia quaestores habere de
reo, nisi prius habita de lege essent, passuros nega-
bant. Ita extracta utraque res in consulum adventum
8 est. Qui ubi triumphantes victore cum exercitu
urbem inierunt, quia silentium de lege erat, per-
9 culsos magna pars credebant tribunos. At illi—
etenim extremum anni iam erat,—quartum adfec-
tantes tribunatum, in comitiorum disceptationem ab
lege certamen averterant. Et cum consules nihilo
minus adversus continuationem tribunatus quam si
lex minuendae suae maiestatis causa promulgata
ferretur tetendissent, victoria certaminis penes tri-
bunos fuit.
10 Eodem anno Aequis pax est petentibus data.

[1] nec iis *Madvig*: nec his Ω: ne his *H*.
[2] eae res F^3D^3ς: ease res *M*: eas res Ω.
[3] fuerat F^3OD^3ς: fuerant Ω.

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[1] Livy seems here to have accepted the account of the late annalists which he had suspected in chap. xxiii. 7. An extant inscription (*C.I.L.* xv. 44) commemorating the triumph of Fabius over the Aequi and Volsci and that of Cornelius over the Antiates shows that his suspicion was unfounded.

against Caeso. For it was becoming generally known, B.C. 459
from many witnesses, first, that the brother of Volscius after having once fallen ill had not only never appeared in public, but had not even got up from his sick-bed, where he had died of a wasting disease which lasted many months; and secondly, that within the period to which Volscius, in his testimony, had referred the crime, Caeso had not been seen in Rome; for those who had served with him affirmed that he had often during that time been in their company at the front, without taking any furlough. To prove this contention, many persons offered Volscius to refer the question of fact to a private arbitrator. Since he did not dare proceed to arbitration, all these things, pointing in one direction, made the condemnation of Volscius as certain as that of Caeso had been made by Volscius's evidence. The tribunes delayed matters by refusing to allow the quaestors to hold an assembly for his trial until one should first have been held to consider the law. So both affairs dragged on till the arrival of the consuls. When they had entered the City in triumph[1] with their victorious army, nothing was said about the law, and many people thought the tribunes had been daunted. But the tribunes were seeking a fourth term of office—for the end of the year was now at hand—and had diverted their efforts from the law to the contest for the election. And though the consuls strove quite as vehemently against the re-election of the incumbents to the tribuneship, as if a law were being urged which had been promulgated to curtail their own majesty, the contest resulted in victory for the tribunes.

That same year the Aequi sought and obtained

A.U.C. 295 Census, res priore anno incohata, perficitur; idque lustrum ab origine urbis decimum conditum ferunt. Censa[1] civium capita centum septendecim milia[2]
11 trecenta undeviginti.[3] Consulum magna domi bellique eo anno gloria fuit, quod et foris pacem peperere, et domi etsi non concors, minus tamen quam alias infesta civitas fuit.

A.U.C. 296 XXV. L. Minucius inde et C. Nautius[4] consules facti duas residuas anni prioris causas exceperunt.
2 Eodem modo consules legem, tribuni iudicium de Volscio impediebant; sed in quaestoribus novis maior vis, maior auctoritas erat. Cum M. Valerio, Mani[5] filio, Volesi nepote quaestor erat T. Quinctius Capito-
3 linus, qui ter consul fuerat. Is, quoniam neque Quinctiae familiae Caeso neque rei publicae maximus iuvenum restitui posset, falsum testem qui dicendae causae innoxio potestatem ademisset, iusto ac pio
4 bello persequebatur. Cum Verginius maxime ex tribunis de lege ageret, duum mensum spatium consulibus datum est ad inspiciendam legem ut cum edocuissent populum quid fraudis occultae ferretur, sinerent deinde suffragium inire. Hoc intervalli
5 datum res tranquillas in urbe fecit. Nec diuturnam quietem Aequi dederunt, qui rupto foedere quod

[1] ferunt. Censa ς: fuerunt censa Ω: fuerant censa *D*.

[2] centum septendecim milia (*i. e.* CXVII) *MPFUB*: CXIIII *O*: CXXXII *H*: CXXXII CXVII *RL*: CXXXII CCCXVIII *D*.

[3] trecenta undeviginti (*i.e.* CCCXVIIII *MO*: CCCXVIII *PFUBH*: *as before, the numbers are conflated in RDL* (CXVII CCCXVIIII *D*).

[4] C. Nautius *Glareanus and Sigonius* (*cf. Dion. Hal.* x. xxii. 1; *Diod.* xi. lxxxviii. 1; *C.I.L.* i², *p.* 104: L. Nautius Ω.

[5] Mani *Sigonius* (*cf.* ii. xxx. 5 *and* (?) iii. vii. 6): Valerii Ω.

peace. The census, which had been begun the year before, was completed; and this, they say, was the tenth lustral sacrifice performed since the founding of the City. There were enrolled 117,319 citizens. This year the consuls won great renown, at home and in the field; not only had they brought about peace with other nations, but at home also, though the state was not yet harmonious, yet it was less troubled than at other times. B.C. 459

XXV. Lucius Minucius and Gaius Nautius were chosen to be the next consuls, and inherited the two causes left over from the preceding year. As before, the consuls obstructed the passage of the law, and the tribunes the trial of Volscius; but the new quaestors were men of superior force and influence. Marcus Valerius, son of Manius, and grandson of Volesus, shared the magistracy with Titus Quinctius Capitolinus, who had thrice been consul. Capitolinus, since it was beyond his power to restore Caeso to the Quinctian family and the greatest of her young men to the state,[1] waged war, as justice and loyalty demanded, on the false witness who had deprived an innocent man of the power to plead his cause. Verginius was the most active amongst the tribunes in working for the law. The consuls were allowed two months' time to inspect the measure, that having explained to the people what hidden mischief was being proposed they might then permit them to vote. The granting of this breathing-space brought tranquillity to the City. But the Aequi did not suffer it to remain long at rest; breaking the treaty B.C. 458

[1] Livy here assumes that Caeso is dead, and possibly thinks of him as having perished with Herdonius.

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ictum erat priore anno cum Romanis imperium ad
Gracchum Cloelium deferunt; is tum longe prin-
6 ceps in Aequis erat. Graccho duce in Labicanum[1]
agrum, inde in Tusculanum hostili populatione
veniunt plenique praedae in Algido castra locant.
In ea castra Q. Fabius, P. Volumnius, A. Postumius
legati ab Roma venerunt questum iniurias et ex
7 foedere[2] res repetitum. Eos Aequorum imperator
quae mandata habeant ab senatu Romano ad quer-
cum iubet dicere; se alia interim acturum. Quercus,
ingens arbor, praetorio imminebat, cuius umbra opaca
8 sedes erat. Tum ex legatis unus abiens "et haec"
inquit, "sacrata quercus et quidquid deorum est
audiant foedus a vobis ruptum, nostrisque et nunc
querellis adsint et mox armis, cum deorum homi-
9 numque simul violata iura exsequemur." Romam
ut[3] rediere legati, senatus iussit alterum consulem
contra Gracchum in Algidum exercitum ducere,
alteri populationem finium Aequorum provinciam
dedit. Tribuni suo more impedire dilectum et
forsitan ad ultimum impedissent; sed novus subito
additus terror est.

XXVI. Vis Sabinorum ingens prope ad moenia urbis infesta populatione venit; foedati agri, terror iniectus urbi est. Tum plebs benigne arma cepit; reclamantibus frustra tribunis magni duo exercitus

[1] Labicanum *Cluverius and Gruter* (cf. chap. vii. § 3): *Ianuuinum* Ω.
[2] ex foedere ς: ex eo foedere Ω.
[3] Romam ut *V?M*ς: Romam Ω.

B.C. 458

which they had made with the Romans the year before, they intrusted the command of their forces to Cloelius Gracchus, at that time by far the most eminent man in their state. Under this man's leadership they invaded the territory of Labici, and from there the territory of Tusculum, with fire and sword, and, loaded with booty, pitched their camp on Algidus. To this camp came Quintus Fabius, Publius Volumnius, and Aulus Postumius, envoys from Rome, to complain of the wrongs done and demand restitution, as provided in the treaty. The Aequian general bade them recite the message of the Roman senate to the oak, saying that he would meantime attend to other matters. (The oak, a mighty tree, overhung head-quarters and with its dense shade afforded a cool resting-place.) Thereupon one of the envoys said, as he departed, "Let both this sacred oak and whatever gods there are hear that the treaty has been broken by you; and let them attend now to our complaints and presently support our arms, when we shall avenge the simultaneous violation of the rights of gods and men." On the return of the envoys to Rome, the senate ordered one consul to lead an army to Algidus, against Gracchus, and to the other assigned the task of devastating the territories of the Aequi. The tribunes sought in their usual fashion to prevent the levy, and might perhaps have held out against it to the end; but suddenly a fresh alarm supervened.

XXVI. A great body of Sabines made a hostile incursion almost to the walls of Rome, wasting the fields and terrifying the citizens. Thereupon the plebeians willingly enlisted, and despite the unavailing protests of the tribunes, two large armies were

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2 scripti. Alterum Nautius contra Sabinos duxit cas-
trisque ad Eretum positis, per expeditiones parvas,
plerumque nocturnis incursionibus, tantam vastita-
tem in Sabino agro reddidit ut comparati ad eam
3 prope intacti bello fines Romani viderentur. Mi-
nucio neque fortuna nec vis animi eadem in ge-
rendo negotio fuit; nam cum haud procul ab hoste
castra posuisset, nulla magnopere clade accepta
4 castris se pavidus tenebat. Quod ubi senserant
hostes, crevit ex metu alieno, ut fit, audacia, et nocte
adorti castra postquam parum vis aperta profecerat,
munitiones postero die circumdant. Quae prius-
quam undique vallo obiectae clauderent exitus quin-
que equites inter stationes hostium emissi Romam
5 pertulere consulem exercitumque obsideri. Nihil
tam inopinatum nec tam insperatum accidere potuit.
Itaque tantus pavor, tanta trepidatio fuit quanta si
6 urbem, non castra hostes obsiderent. Nautium
consulem arcessunt. In quo cum parum praesidii
videretur dictatoremque dici placeret qui rem per-
culsam restitueret, L. Quinctius Cincinnatus con-
sensu omnium dicitur.

7 Operae pretium est audire qui omnia prae divitiis
humana spernunt neque honori magno locum neque
virtuti putant esse, nisi ubi effuse[1] afluant[2] opes.
8 Spes unica imperii populi Romani L. Quinctius

[1] effuse *Vorm?* *FB*: effusae Ω.
[2] afluant *M*: affluant Ω: effluant *D?*: afluent *P*: affluent *P F?UB*.

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enrolled. One of these Nautius led against the Sabines. Pitching his camp at Eretum, he sent out little expeditions, chiefly nocturnal raiding parties, and so liberally repaid on their own fields the depredations of the Sabines, that the Roman territories in comparison seemed scarcely to have been touched by war. Minucius had neither the same good fortune nor equal spirit in conducting his campaign; for he encamped not far from the enemy, and without having suffered any considerable defeat, kept timidly within his breastworks. When the enemy perceived this, their audacity was heightened, as is usually the case, by their opponents' fear, and they attacked the camp by night. Failing to accomplish anything by open force, they next day surrounded the place with earthworks; but before these could be thrown up on every side of the camp and so shut off all egress, five horsemen were sent out through the enemy's outposts and carried to Rome the news that the consul and his army were beleaguered. Nothing more surprising or unlooked-for could have happened. And so the alarm and consternation were as great as if it had been the City, not the camp, which the enemy were investing. They sent for the consul Nautius; but deeming him unequal to their defence, and resolving to have a dictator to restore their shattered fortunes, they agreed unanimously on the nomination of Lucius Quinctius Cincinnatus.

What followed merits the attention of those who despise all human qualities in comparison with riches, and think there is no room for great honours or for worth but amidst a profusion of wealth. The sole hope of the empire of the Roman People, Lucius

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trans Tiberim, contra eum ipsum locum ubi nunc navalia sunt, quattuor iugerum colebat agrum, quae
9 prata Quinctia vocantur. Ibi ab legatis—seu fossam fodiens palae[1] innixus seu cum araret, operi certe, id quod constat, agresti intentus—salute data in vicem redditaque rogatus ut, quod bene verteret ipsi reique publicae, togatus mandata senatus audiret, admiratus rogitansque "satin salve?"[2] togam propere e tugurio proferre uxorem Raciliam iubet.
10 Qua simul absterso pulvere ac sudore velatus processit, dictatorem eum legati gratulantes consalutant, in urbem vocant, qui terror sit in exercitu
11 exponunt. Navis Quinctio publice parata fuit, transvectumque tres obviam egressi filii excipiunt, inde alii propinqui atque amici, tum patrum maior pars. Ea frequentia stipatus antecedentibus lictoribus de-
12 ductus est domum. Et plebis concursus ingens fuit; sed ea nequaquam tam laeta Quinctium vidit, et imperium[3] nimium et virum ipso[4] imperio vehementiorem rata. Et illa quidem nocte nihil praeterquam vigilatum est in urbe.

XXVII. Postero die dictator cum ante lucem in forum venisset, magistrum equitum dicit L. Tarquitium,[5] patriciae gentis, sed qui,[6] cum stipendia pedibus

[1] palae *Sabellicus*: paleae *V*: palo Ω: paulo *O*.
[2] satin salve *VP*: satisne salva essent omnia Ω.
[3] imperium *Walters*: imperi (*or* -ii) Ω.
[4] virum ipso *Christ* ς: uirum in ipso Ω.
[5] Tarquitium *Sigonius* (*C.I.L.* i^2, *p.* 16): Tarquinium Ω.
[6] qui *Conway*: qui cum *V Vorm. R*?: qui tum Ω: tum qui *H*.

[1] Strictly speaking, a trifle less than three acres, since the *iugerum* contained only 28,800 square feet.

Quinctius, cultivated a field of some four acres[1] across the Tiber, now known as the Quinctian Meadows, directly opposite the place where the dockyards are at present. There he was found by the representatives of the state. Whether bending over his spade as he dug a ditch, or ploughing, he was, at all events, as everybody agrees, intent upon some rustic task. After they had exchanged greetings with him, they asked him to put on his toga, to hear (and might good come of it to himself and the republic!) the mandates of the senate. In amazement he cried, "Is all well?" and bade his wife Racilia quickly fetch out his toga from the hut. When he had put it on, after wiping off the dust and sweat, and came forth to the envoys, they hailed him Dictator, congratulated him, and summoned him to the City, explaining the alarming situation of the army. A boat was waiting for him, provided by the state; and as he reached the other side his three sons came out to receive him; after them came his other kinsmen and friends; and after them the greater part of the senate. Attended by this throng and preceded by his lictors he was escorted to his house. The plebeians too were gathered in great numbers; but they were by no means so rejoiced at the sight of Quinctius, because they thought that not only was his authority excessive, but that the man was even more dangerous than the authority itself. That night nothing more was done than to keep a watch in the City. B.C. 458

XXVII. On the following day the dictator, coming before dawn into the Forum, named as his master of the horse Lucius Tarquitius, a man of patrician birth, but one who had served as a foot-soldier because of

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propter paupertatem fecisset, bello tamen primus
2 longe Romanae iuventutis habitus esset. Cum
magistro equitum in contionem venit, iustitium
edicit, claudi tabernas tota urbe iubet, vetat quem-
3 quam privatae quicquam rei agere. Tum, quicum-
que aetate militari essent, armati cum cibariis in
dies quinque coctis vallisque duodenis ante solis
4 occasum Martio in campo adessent; quibus aetas
ad militandum gravior esset, vicino militi, dum is
arma pararet vallumque peteret, cibaria coquere
5 iussit. Sic iuventus discurrit ad vallum petendum.
Sumpsere unde cuique proximum fuit; prohibitus
nemo est; impigreque omnes ad edictum dictatoris
6 praesto fuere. Inde composito agmine non itineri
magis apti quam proelio, si res ita tulisset, legiones
ipse dictator, magister equitum suos equites ducit.
In utroque agmine quas tempus ipsum poscebat
7 adhortationes erant: adderent gradum; maturato
opus esse ut nocte ad hostem perveniri[1] posset;
consulem exercitumque Romanum obsideri, tertium
diem iam clausos esse; quid quaeque nox aut dies
ferat, incertum esse; puncto saepe temporis maxi-
8 marum rerum momenta verti. "Adcelera signifer!"
"Sequere miles!" inter se quoque gratificantes
ducibus clamabant. Media nocte in Algidum per-
veniunt et, ut sensere se iam prope hostes esse,
signa constituunt.

[1] perveniri $F^3\varsigma$: peruenire Ω: peruenere *B*: *wanting in V.*

[1] The Roman soldier usually carried three or four stakes, to use in making a palisade.

poverty, though in war he had been esteemed by far the best of the Roman youth. With his master of the horse the dictator appeared before the people; proclamed a suspension of the courts; ordered the shops to be closed all over the City; and forbade anybody to engage in any private business. He then commanded all those who were of military age to come armed, before sunset, to the Campus Martius, bringing each enough bread to last five days, and twelve stakes;[1] those who were too old for war he ordered to prepare food for their neighbours who were soldiers, while the latter were getting their arms in order and looking for stakes. So the young men ran this way and that in search of stakes, and every one took them from the nearest source, nor was anyone interfered with; and all presented themselves promptly as the dictator had commanded. Then, having drawn up their column so as to be ready for fighting as well as for marching, if need were, the dictator himself led the legions, the master of the horse his cavalry. In each division were spoken such words of encouragement as the occasion called for: Let them mend their pace; there was need of speed, that they might reach the enemy's camp in the night; a consul and a Roman army were being besieged, and it was now the third day of their investment; what each night or day might bring forth was uncertain; a single instant was often the turning-point of a great event. The soldiers also, in complaisance to their commanders, cried out to one another, "Make haste, standard-bearer!" "Follow me, men!" At midnight they came to Algidus, and perceiving that they were now close to the enemy, halted. B.C. 458

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XXVIII. Ibi dictator quantum nocte prospici poterat equo circumvectus contemplatusque qui tractus castrorum quaeque forma esset, tribunis militum imperavit, ut sarcinas in unum conici iubeant, militem cum armis valloque redire in ordines suos.
2 Facta quae imperavit. Tum, quo fuerant ordine in via, exercitum omnem longo agmine circumdat hostium castris et ubi signum datum sit clamorem omnes tollere iubet, clamore sublato ante se quem-
3 que ducere fossam et iacere[1] vallum. Edito imperio signum secutum est. Iussa miles exsequitur; clamor hostes circumsonat; superat inde castra
4 hostium et in castra consulis venit; alibi pavorem, alibi gaudium ingens facit. Romani civilem esse clamorem atque auxilium adesse inter se gratulantes ultro ex stationibus ac vigiliis territant hostem.
5 Consul differendum negat; illo clamore non adventum modo significari, sed rem ab suis coeptam; mirumque esse ni iam exteriore parte castra hostium
6 oppugnentur. Itaque arma suos capere et se subsequi iubet. Nocte initum proelium est; legionibus dictatoris clamore significant ab ea quoque parte
7 rem in discrimine esse. Iam se ad prohibenda circumdari opera Aequi parabant cum ab interiore hoste proelio coepto, ne per media sua castra fieret eruptio, a munientibus ad pugnantes introrsum versi

[1] iacere *HRDLς*: facere *PFUBO*.

XXVIII. Then the dictator, having ridden about and observed, as well as he could for the night, the extent of the camp and its shape, directed the military tribunes to make the soldiers throw down their packs in one place, and return, with arms and stakes, to their proper ranks. They did as he commanded. Then, keeping the order of the march, he led out the whole army in a long column and surrounded the enemy's camp, commanding that at a given signal the troops should all raise a shout, and that after shouting every man should dig a trench in front of his own position and erect a palisade. The signal followed close on the announcement. The men did as they had been bidden. Their cheer resounded on all sides of the enemy, and passing over their camp, penetrated that of the consul; in the one it inspired panic, in the other great rejoicing. The Romans, congratulating one another that it was their fellow-citizens who shouted, and that help was at hand, on their own part began to threaten the enemy with attacks from their pickets and outposts. The consul said that they ought to act without delay; the shout not only signified that their friends were come, but that they had begun to fight; and it would be surprising if they were not already assailing the enemy's camp from without. He accordingly bade his men stand to arms and follow him. It was night when they entered the battle; with a cheer they gave the legions of the dictator to know that on their side as well the issue had been joined. The Aequi were already preparing to resist the work of circumvallation, when the attack was begun upon their inner line. Lest a sortie should be made through the midst of their B.C. 458

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vacuam noctem operi dedere; pugnatumque cum
8 consule ad lucem est. Luce prima iam circumvallati ab dictatore erant et vix adversus unum exercitum pugnam sustinebant. Tum a Quinctiano exercitu, qui confestim a perfecto opere ad arma rediit, invaditur vallum. Hic instabat nova pugna: illa nihil
9 remiserat prior. Tum ancipiti malo urgente a proelio ad preces versi hinc dictatorem, hinc consulem orare, ne in occidione victoriam ponerent, ut inermes se inde abire sinerent Ab consule ad dictatorem
10 ire iussi; is[1] ignominiam infensus addidit; Gracchum Cloelium ducem principesque alios vinctos ad se adduci iubet, oppido Corbione decedi. Sanguinis se Aequorum non egere; licere abire; sed, ut exprimatur tandem confessio subactam domitamque
11 esse gentem, sub iugum abituros. Tribus hastis iugum fit humi fixis duabus superque eas transversa una deligata. Sub hoc iugum[2] dictator Aequos misit.

XXIX. Castris hostium receptis plenis omnium rerum—nudos enim emiserat—praedam omnem suo
2 tantum militi dedit; consularem exercitum ipsumque

[1] iussi; is *Ruperti*: iussis Ω.
[2] iugum *Duker*: iugo Ω.

camp, they turned their backs on those who were entrenching, and faced the attacking forces; and, leaving the others free to work all night, they fought till break of day with the soldiers of the consul. At early dawn they had already been shut in by the dictator's rampart, and were scarcely maintaining the battle against one army. Then the troops of Quinctius, who had at once, on completing the works, resumed their weapons, assailed the rampart of the Aequi. Here was a new battle on their hands, and the other not yet in the least abated. At this, hard-driven by a double danger, they turned from fighting to entreaties, and on the one hand implored the dictator, on the other the consul, not to make the victory a massacre, but to take their arms and let them go. The consul referred them to the dictator, who in his anger added ignominy to their surrender. He commanded that Cloelius Gracchus, their commander, and the other captains, be brought to him in chains, and that the town of Corbio be evacuated. He said that he did not require the blood of the Aequi; they might go; but, that they might at last be forced to confess that their nation had been defeated and subdued, they should pass beneath the yoke as they departed. A yoke was fashioned of three spears, two being fixed in the ground and the third laid across them and made fast. Under this yoke the dictator sent the Aequi. B.C. 458

XXIX. Having taken possession of the enemy's camp, which abounded in all sorts of supplies—for he had sent them out with nothing but their tunics—he gave all the booty to his own troops exclusively, rebuking the consular army and the

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consulem increpans, "Carebis" inquit "praedae parte, miles, ex eo hoste cui prope praedae fuisti; et tu, L. Minuci, donec consularem animum incipias habere,
3 legatus his legionibus praeeris." Ita se Minucius abdicat consulatu iussusque ad exercitum manet. Sed adeo tum imperio meliori animus mansuete oboediens erat ut beneficii magis quam ignominiae hic exercitus memor et coronam auream dictatori libram pondo decreverit et proficiscentem eum
4 patronum salutaverit. Romae a Q. Fabio praefecto urbis senatus habitus triumphantem Quinctium quo veniebat agmine urbem ingredi iussit. Ducti ante currum hostium duces, militaria signa praelata, secu-
5 tus exercitus praeda onustus. Epulae instructae dicuntur fuisse ante omnium domus, epulantesque cum carmine triumphali et [1] sollemnibus iocis comi-
6 santium modo currum secuti sunt. Eo die L. Mamilio Tusculano adprobantibus cunctis civitas data est. Confestim se dictator magistratu abdicasset, ni comitia M. Volsci, falsi testis, tenuissent. Ea ne im-
7 pedirent tribuni dictatoris obstitit metus. Volscius damnatus Lanuvium in exsilium [2] abiit. Quinctius sexto decimo die dictatura in sex menses accepta se abdicavit. Per eos dies consul Nautius ad Eretum cum Sabinis egregie pugnat; ad vastatos agros ea

[1] et *VD*[4]: ex Ω.
[2] in exsilium ς: exsilium Ω: exsulatum ς.

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[1] Livy thinks of Cincinnatus as removing (or perhaps only suspending) Minucius from the consulship, in virtue of his superior authority. In 509 B.C. (II. ii. 7 ff.) Lucius Tarquinius had been compelled to resign by his colleague Brutus and other leading men.

[2] The first recorded instance of the bestowal of citizenship in requital of service done the state.

consul himself in these terms: "You shall have no share, soldiers, in the spoils of that enemy to whom you almost fell a spoil; and you, Lucius Minucius, until you begin to have the spirit of a consul, shall command these legions as my lieutenant." So Minucius abdicated the consulship, and remained, as he was ordered to do, with the army.[1] But so tame and submissive was the temper of this army now towards a better commander, that, considering rather the benefit they had received at his hands than the humiliation, they voted the dictator a golden chaplet of a pound in weight, and when he departed, saluted him as their protector. At Rome the senate, being convened by Quintus Fabius, the prefect of the City, commanded Quinctius to enter the gates in triumph, with the troops that accompanied him. Before his chariot were led the generals of the enemy; the military standards were borne on ahead; after them came the soldiers, laden with booty. It is said that tables were spread before all the houses, and the troops, feasting as they marched, with songs of triumph and the customary jokes, followed the chariot like revellers. On that day Lucius Mamilius the Tusculan was granted citizenship, with the approval of all.[2] Cincinnatus would at once have resigned his office, had not the trial of Marcus Volscius, the false witness, caused him to delay. The awe in which the tribunes held the dictator prevented them from interfering with the trial. Volscius was condemned and went into exile at Lanuvium. On the sixteenth day Quinctius surrendered the dictatorship which he had received for six months. During that period the consul Nautius fought a successful engagement at Eretum with the Sabines, who in addition to the

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A.U.C. 296 quoque clades accessit Sabinis. Minucio Fabius[1]
8 successor in Algidum missus. Extremo anno agitatum de lege ab tribunis est; sed quia duo exercitus aberant, ne quid ferretur ad populum patres tenuere; plebes vicit ut quintum eosdem tribunos crearet.[2]
9 Lupos visos in Capitolio ferunt a canibus fugatos; ob id prodigium lustratum Capitolium esse. Haec eo anno gesta.

A.U.C. 297 XXX. Sequuntur consules Q. Minucius M. Horatius[3] Pulvillus. Cuius initio anni cum foris otium esset, domi seditiones iidem tribuni, eadem lex
2 faciebat; ulteriusque ventum foret—adeo exarserant animis—ni velut dedita opera nocturno impetu Aequorum Corbione amissum praesidium nuntiatum
3 esset. Senatum consules vocant; iubentur subitarium scribere exercitum atque in Algidum ducere. Inde posito legis certamine nova de dilectu contentio
4 orta; vincebaturque consulare imperium tribunicio auxilio cum alius additur terror, Sabinum exercitum praedatum descendisse in agros Romanos, inde ad
5 urbem venire. Is metus perculit ut scribi militem tribuni sinerent, non sine pactione tamen ut quoniam ipsi quinquennium elusi essent parvumque id plebi praesidium foret, decem deinde tribuni plebis crearen-

[1] Fabius ς: Fabius Quinctius (*or* Quintius) Ω: Fabius Quintus *O*.
[2] crearet *V*: crearent Ω.
[3] M. Horatius Ω (*Diod.* xi. xci. 1): C. Horatius *Glareanus and Sigonius* (*C.I.L.* i², *p.* 104; *Dion. Hal.* x. xxvi. 1).

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[1] They had not been able to pass the *Lex Terentilia*.

devastation of their fields now suffered this new B.C. 458
disaster. Fabius was sent to Mount Algidus to succeed Minucius. At the close of the year there was some agitation for the law on the part of the tribunes; but since two armies were abroad, the senators insisted that no proposal should be laid before the people; the plebs were successful in electing the same tribunes for the fifth time. It is said that wolves were seen on the Capitol, pursued by dogs; because of which prodigy the Capitol was purified. Such were the events of this year.

XXX. The next consuls were Quintus Minucius B.C. 457
and Marcus Horatius Pulvillus. At the beginning of the year, though foreign relations were peaceful, at home there were dissensions, inspired by the same tribunes and the same law; and they would have proceeded to even greater lengths—so inflamed were men's passions—had it not been announced, as if designedly, that the garrison at Corbio had perished in a night-attack made by the Aequi. The consuls convoked the senate, and were directed to make a summary levy and lead the army to Mount Algidus. From that moment the quarrel over the law was laid aside, and a fresh dispute arose, concerning the levy; in this consular authority was in a fair way to be defeated, by the help of the tribunes, when a new alarm was reported: that a Sabine army bent on pillage had descended upon the Roman fields, and was thence approaching the City. This was such staggering news that the tribunes permitted the enrolment of troops; yet not without having obtained an agreement that since they had themselves been baffled for five years,[1] and the existing tribunate was an insufficient protection to the plebs, ten tribunes

A.U.C. 297

6 tur. Expressit hoc necessitas patribus; id modo excepere ne postea eosdem tribunos viderent. Tribunicia comitia, ne id quoque post bellum ut cetera vanum
7 esset, extemplo habita. Tricensimo sexto anno a primis tribuni plebis decem creati sunt, bini ex singulis classibus, itaque cautum est ut postea crearen-
8 tur. Dilectu deinde habito Minucius contra Sabinos profectus non invenit hostem. Horatius, cum iam Aequi Corbione interfecto praesidio Ortonam etiam cepissent, in Algido pugnat; multos mortalis occidit; fugat hostem non ex Algido modo, sed a Corbione Ortonaque. Corbionem etiam diruit propter proditum praesidium.

A.U.C. 298–300

XXXI. Deinde M. Valerius, Sp. Verginius consules facti. Domi forisque otium fuit; annona propter aquarum intemperiem laboratum est. De Aventino publicando lata lex est. Tribuni plebis
2 iidem refecti. Hi sequente anno T. Romilio C. Veturio consulibus legem omnibus contionibus suis celebrabant:[1] pudere se numeri sui nequiquam aucti, si ea res aeque suo biennio iaceret ac toto superiore
3 lustro iacuisset. Cum maxime haec agerent, trepidi nuntii ab Tusculo veniunt Aequos in agro Tusculano esse. Fecit pudorem recens eius populi meritum

[1] celebrabant *VHRDLς*: celebrant Ω.

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[1] The lowest class, paying no *tributum*, had no representation.

should in future be elected. To this the patricians were compelled to agree, only stipulating that they should not thereafter see the same men tribunes. The tribunician election was held immediately, lest when the war was over this promise too might be broken, as the others had been. In the thirty-sixth year from the first plebeian tribunes ten men were elected, two from each class,[1] and it was enacted that they should be chosen thus thereafter. The levy was then held, and Minucius marched against the Sabines, but did not find the enemy. Horatius, after the Aequi, having put the garrison at Corbio to the sword, had also captured Ortona, fought a battle with them on Mount Algidus, killed many men, and drove off the enemy, not only from Algidus, but from Corbio and Ortona. Corbio he razed because of its betrayal of the garrison. B.C. 457

XXXI. Marcus Valerius and Spurius Verginius succeeded to the consulship. Affairs were quiet both at home and abroad; but there was a shortage in the corn-supply, due to excessive rains. A law was passed opening up the Aventine to settlement. The same tribunes of the plebs were returned; and in the following year, when Titus Romilius and Gaius Veturius were consuls, they took occasion to urge the law in all their speeches: They were ashamed, they said, of the futile increase in their numbers, if this measure was to lie disregarded during their own two years of office, precisely as it had done throughout the five preceding years. Just when this agitation was at its height, there came a disquieting report from Tusculum that the Aequi were in Tusculan territory. Men were ashamed, in view of the recent service of that nation, to delay in sending aid. Both B.C. 456–454

A.U.C. 298-300

morandi auxilii. Ambo consules cum exercitu missi
4 hostem in sua sede, in Algido, inveniunt. Ibi pugnatum.
Supra septem milia hostium caesa, alii
fugati; praeda parta ingens. Eam propter inopiam
aerarii consules vendiderunt. Invidiae tamen res ad
exercitum fuit eademque tribunis materiam crimi-
5 nandi ad plebem consules praebuit. Itaque ergo, ut
magistratu abiere Sp. Tarpeio [1] A. Aternio [2] consuli-
bus, dies dicta est, Romilio ab C. Calvio Cicerone
tribuno plebis, Veturio ab L. Alieno aedile plebis.
6 Uterque magna patrum indignatione damnatus,
Romilius decem milibus aeris, Veturius quindecim.
Nec haec priorum calamitas consulum segniores novos
fecerat consules; et se damnari posse aiebant, et
7 plebem et tribunos legem ferre non posse. Tum
abiecta lege, quae promulgata consenuerat, tribuni
lenius agere cum patribus: finem tandem certa-
minum facerent; si plebeiae leges displicerent, at
illi communiter legum latores et ex plebe et ex
patribus, qui utrisque utilia ferrent quaeque aequan-
8 dae libertatis essent sinerent creari. Rem non asperna-
bantur patres: laturum [3] leges neminem nisi ex
patribus aiebant. Cum de legibus conveniret, de

[1] Sp. Tarpeio ς: spurio p. tarpeio Ω: p. tarpeio *U*: spuerio p̃. tarpio *B*.
[2] A. Aternio *Pighius* (*C.I.L.* i^2, *p.* 104): a. aeternio (*or* et- Ω: a. ethernio *U*: aeternio *D*.
[3] laturum *Klock*: daturum Ω.

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[1] See chap. ix. § 5 and note. Apparently the codification contemplated by Terentilius was to have been in the hands of a plebeian board.

B.C. 456-454

consuls were dispatched with an army; and finding the enemy on their usual ground, Mount Algidus, they there engaged them. Above seven thousand of the enemy were slain; the rest were put to flight; and immense spoils were taken. These the consuls sold, owing to the impoverished condition of the treasury. Nevertheless, their action made them unpopular with the army, and it also furnished the tribunes with an occasion for impeaching the consuls before the plebs. Accordingly when they laid down their office and Spurius Tarpeius and Aulus Aternius became consuls, they were brought to trial; Romilius by Gaius Calvius Cicero, a plebeian tribune, Veturius by Lucius Alienus, an aedile of the plebs. Both were condemned, greatly to the indignation of the patricians; Romilius was fined 10,000 asses, Veturius 15,000. And yet this disaster to their predecessors did not diminish the energy of the new consuls; they said that it was possible that they should themselves be condemned, but that it was not possible that the plebs and the tribunes should carry their law. Then the tribunes, discarding the law, which, in the time it had been before the people, had lost its vitality, began to treat more moderately with the patricians: Let them at last put an end, they said, to these disputes; if the plebeian measure were not agreeable to them, let them permit framers of laws to be appointed jointly from both the plebs and the nobility, that they might propose measures which should be advantageous to both sides, and secure equal liberty.[1] The patricians did not reject the principle; but they declared that no one should propose laws unless he were a patrician. Since they were agreed in regard to the laws, and

A.U.C. 299-300

latore tantum discreparet, missi legati Athenas Sp. Postumius Albus A. Manlius P. Sulpicius Camerinus iussique inclitas leges Solonis describere et aliarum Graeciae civitatium instituta mores iuraque noscere.

A.U.C. 301-302

XXXII. Ab externis bellis quietus annus fuit, quietior insequens P. Curiatio[1] et Sex. Quinctilio consulibus perpetuo silentio tribunorum, quod primo legatorum qui Athenas ierant legumque pere-
2 grinarum exspectatio praebuit, dein duo simul mala ingentia exorta, fames pestilentiaque, foeda homini, foeda pecori. Vastati agri sunt, urbs adsiduis exhausta funeribus; multae et clarae lugubres domus.
3 Flamen Quirinalis Ser. Cornelius mortuus, augur C. Horatius Pulvillus;[2] in cuius locum C. Veturium eo cupidius quia damnatus a plebe erat, augures legere.
4 Mortuus consul Quinctilius, quattuor tribuni plebi. Multiplici clade foedatus annus; ab hoste otium fuit.

5 Inde consules C. Menenius P. Sestius[3] Capitolinus. Neque eo anno quicquam belli externi fuit: domi
6 motus orti. Iam redierant legati cum Atticis legibus. Eo intentius instabant tribuni ut tandem scribendarum legum initium fieret. Placet creari decemviros sine provocatione, et ne quis eo anno alius
7 magistratus esset. Admiscerenturne plebeii,[4] con-

[1] Curiatio ϛ (*cf. chap.* xxxiii. § 3 and *C.I.L.* i², *p.* 104): curatio (curacio *H*: curario *U*) Ω.
[2] Pulvillus ϛ: pulvilius Ω.
[3] Sestius *Sigonius* (*cf. chap.* xxxiii. § 4 and *C.I.L.* i², *p.* 104): sextius (textius *P*: sextilius *D*) Ω.
[4] plebeii *R*?ϛ: plebi Ω.

only differed about the mover, they sent Spurius Postumius Albus, Aulus Manlius, and Publius Sulpicius Camerinus on a mission to Athens, with orders to copy the famous laws of Solon, and acquaint themselves with the institutions, customs, and laws of the other Greek states.

B.C. 456-454

XXXII. No foreign wars disturbed the quiet of that year; but even more quiet was the year that followed, when Publius Curiatius and Sextus Quinctilius were consuls, for the tribunes preserved an unbroken silence. This was due in the first place to their waiting for the commissioners who had gone to Athens, and for the foreign laws; in the second place two terrible misfortunes had come at the same time, famine and pestilence, baneful alike to men and beasts. The fields were left untenanted; the City was emptied by incessant funerals; many distinguished families were in mourning. The flamen of Quirinus, Servius Cornelius, died, and the augur Gaius Horatius Pulvillus, in whose place the augurs elected Gaius Veturius, the more eagerly because of his condemnation by the plebs. Death took the consul Quinctilius, and four tribunes of the plebs. The numerous losses made it a gloomy year; but Rome's enemies did not molest her.

B.C. 453-452

The next consuls were Gaius Menenius and Publius Sestius Capitolinus. In this year likewise there was no foreign war, but disturbances arose at home. The commissioners had now returned with the laws of Athens. The tribunes were therefore the more insistent that a beginning should be made at last towards codification. It was resolved to appoint decemvirs, subject to no appeal, and to have no other magistrates for that year. Whether plebeians should

A.U.C. 301-302 troversia aliquamdiu fuit; postremo concessum patribus, modo ne lex Icilia[1] de Aventino aliaeque sacratae leges abrogarentur.

A.U.C. 303 XXXIII. Anno trecentensimo[2] altero quam condita Roma erat iterum mutatur forma civitatis, ab consulibus ad decemviros, quem ad modum ab regibus ante ad consules venerat, translato imperio. Minus
2 insignis, quia non diuturna, mutatio fuit. Laeta enim principia magistratus eius nimis luxuriavere; eo citius lapsa res est repetitumque duobus uti man-
3 daretur consulum nomen imperiumque. Decemviri creati Ap. Claudius T. Genucius P. Sestius[3] L. Veturius C. Iulius A. Manlius P. Sulpicius P. Curia-
4 tius T. Romilius[4] Sp. Postumius. Claudio et Genucio, quia designati consules in eum annum fuerant, pro honore honos redditus, et Sestio, alteri consulum prioris anni, quod eam rem collega invito
5 ad patres rettulerat. His proximi habiti legati tres qui Athenas ierant, simul ut pro legatione tam longinqua praemio esset honos, simul peritos legum peregrinarum ad condenda nova iura usui fore
6 credebant. Supplevere ceteri numerum. Graves quoque aetate electos novissimis suffragiis ferunt, quo minus ferociter aliorum scitis adversarentur.
7 Regimen totius magistratus penes Appium erat

[1] Icilia *Glareanus* ς: acilia (*or other corruptions*) Ω.
[2] trecentensimo *Conway and Walters*: trecentesimo Ω.
[3] Sestius (*cf. chap.* xxxii. § 5): Sextius Ω.
[4] Romilius *D* (*cf. chap.* xxxi. § 2 and *Dion. Hal.* x. lvi. 2): Romulius (Romolius) Ω.

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[1] The reference is especially to the law establishing the tribunate (II. xxxiii. 1). The violation of a *sacrata lex* entailed outlawry on the offender.
[2] A circumstance which Livy did not notice in chap. xxxii.

be permitted a share in the work was for some time disputed; in the end they yielded to the patricians, only bargaining that the Icilian law about the Aventine and the other sacred laws[1] should not be abrogated. B.C. 453-452

XXXIII. In the three hundred and second year from the founding of Rome the form of the polity was changed again, with the transfer of supreme authority from consuls to decemvirs, even as before it had passed from kings to consuls. It was not so remarkable a change, because it did not last long. For the luxuriant beginnings of this magistracy took on too rank a growth; and in consequence it soon died down, and the custom was resumed of entrusting to two men the name and authority of consuls. The decemvirs chosen were Appius Claudius, Titus Genucius, Publius Sestius, Lucius Veturius, Gaius Julius, Aulus Manlius, Publius Sulpicius, Publius Curiatius, Titus Romilius, and Spurius Postumius. To Claudius and Genucius, the consuls-elect for that year, the new office was given in compensation for the other; and to Sestius, one of the consuls of the year before, because he had brought the measure before the senate against his colleague's will.[2] Next to these were honoured the three envoys who had gone to Athens, not only that the office might serve to reward them for so distant a mission, but also in the belief that their knowledge of foreign laws would be useful in compiling a new code. The other four filled up the number. It is said that old men were chosen for the last places, that they might make a less vigorous opposition to the measures proposed by the rest. The guiding hand in the whole magistracy was that of Appius, thanks to the favour of the B.C. 451

A.U.C. 303

favore[1] plebis; adeoque novum sibi ingenium induerat ut plebicola repente omnisque aurae popularis captator evaderet pro truci saevoque insectatore
8 plebis. Decimo die ius populo singuli reddebant. Eo die penes praefectum iuris fasces duodecim erant: collegis novem singuli accensi apparebant. Et in unica concordia inter ipsos, qui consensus privatis interdum inutilis est,[2] summa adversus alios aequitas
9 erat. Moderationis eorum argumentum exemplo unius rei notasse satis erit. Cum sine provocatione creati essent, defosso cadavere domi apud P. Sestium,[3]
10 patriciae gentis virum, invento prolatoque in contionem, in re iuxta manifesta atque atroci C. Iulius decemvir diem Sestio[4] dixit et accusator ad populum exstitit, cuius rei iudex legitimus erat, decessitque iure[5] suo, ut demptum de vi magistratus populi libertati adiceret.

XXXIV. Cum promptum hoc ius velut ex oraculo incorruptum pariter ab iis summi infimique ferrent, tum legibus condendis opera dabatur; ingentique hominum exspectatione propositis decem tabulis
2 populum ad contionem advocaverunt, et quod bonum,

[1] favore P^{3} *marg.* $F^{3}OR^{2}D^{1}$ς: pauore Ω: auore *P*: $_{p}^{l}$auore P^{1}: p. l. auore *B*.
[2] est *Doering*: esset Ω.
[3] P. Sestium ς (*chap.* xxxii. § 5): p. sextium Ω: sextium *Vorm. M*.
[4] Sestio *PFUHL*: festio *M*: sextio *BOD*.
[5] iure ς: ex iure Ω.

[1] This sentence and the reference to Claudius's years and honours in chap. xxxiii. § 3 seem inapplicable to a young man, and it is probable that the decemvir was, in reality, the consul of 471 B.C. (see II. lvi. 5), not the nephew of C. Claudius, as Livy thought (chap. xxxv. § 9), which would make him the *son* of the consul of 471.

plebs; and so novel a character had he assumed, B.C. 451
that from being a harsh and cruel persecutor of the plebs, he came out all at once as the people's friend, and caught at every breath of popularity.[1] Sitting each one day in ten they administered justice to the people. On that day he who presided in court had twelve fasces;[2] his nine colleagues were each attended by a single orderly. And while they maintained an unparalleled harmony amongst themselves—a unanimity sometimes prejudicial to the governed,—they treated others with the utmost fairness. As proof of their moderation, it will suffice to note a single example. Though they had been chosen to a magistracy from which there was no appeal, yet when a corpse was found buried in the house of Publius Sestius, a patrician, and produced before the assembly, and the man's guilt was as clear as it was heinous, Gaius Julius the decemvir summoned Sestius to trial, and appeared before the people to prosecute a man of whose guilt he was the lawful judge, surrendering his own prerogative that he might add to the liberty of the people what he subtracted from the power of the magistracy.

XXXIV. While this prompt justice, as pure as though derived from an oracle, was being meted out impartially by the decemvirs to the highest and the lowest, they were also busily engaged in framing laws. Men's expectations were running high, when they set up ten tables, and summoning the people

[2] "Fasces" is here equivalent to "lictors."

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faustum felixque rei publicae ipsis liberisque eorum
3 esset, ire et legere leges propositas iussere. Se,
quantum decem hominum ingeniis provideri potuerit,
omnibus, summis infimisque, iura aequasse; plus
4 pollere multorum ingenia consiliaque. Versarent in
animis secum unamquamque rem, agitarent deinde
sermonibus, atque in medium quid in quaque re plus
5 minusve esset conferrent. Eas leges habiturum
populum Romanum quas consensus omnium non
6 iussisse latas magis quam tulisse videri posset. Cum
ad rumores hominum de unoquoque legum capite
editos[1] satis correctae viderentur, centuriatis comitiis
decem tabularum leges perlatae sunt, qui nunc[2]
quoque, in hoc immenso aliarum super alias acervatarum legum cumulo, fons omnis publici privatique
7 est iuris. Volgatur deinde rumor duas deesse tabulas
quibus adiectis absolvi posse velut corpus omnis
Romani iuris. Ea exspectatio, cum dies comitiorum
adpropinquaret, desiderium decemviros iterum cre-
8 andi fecit. Iam plebs, praeterquam quod consulum
nomen haud secus quam regum perosa erat, ne tribunicium quidem auxilium cedentibus in vicem appellatione[3] decemviris quaerebat.

XXXV. Postquam vero comitia decemviris creandis
2 in trinum nundinum indicta sunt, tanta exarsit am-

[1] editos *Duker*: edito Ω.
[2] qui nunc *VD*? ς: quae (*or* que) nunc Ω: nunc *P*.
[3] appellatione Ω: appellationem BD^3: appellationi *Drakenborch*.

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[1] This sentence supports Mommsen's view that the new legislation was intended originally to *substitute* for tribunician intercession a limitation of the consular power by written law.

B.C. 451

to assemble, commanded them—with a prayer that the result might be prosperous, favourable, and fortunate, for the commonwealth, for themselves, and for their children—to go and read the proposed statutes. They themselves, they said, so far as the capacities of ten men could forecast the event, had equalized the rights of all, both high and low; but there was greater efficacy in the capacities and counsels of many. Let them consider each single point in their own minds, then discuss it with their fellows, and lastly state in public what excess or shortcoming there was in the several articles; the Roman People should have only such laws as their unanimity might fairly be considered not only to have passed, but to have proposed. When it appeared that the laws had been sufficiently amended, in the light of the opinions that men expressed concerning each separate section, the centuriate comitia met and adopted the Laws of the Ten Tables; which even now, in this great welter of statutes piled one upon another, are the fountain-head of all public and private law. Afterwards the opinion was general that there lacked two tables, by the addition of which a corpus, so to speak, of all the Roman law could be rounded out. The hope of filling this lack made people desirous, when election day drew near, of choosing decemvirs again. The plebs, besides the fact that they hated the name of consul quite as much as that of king, had already ceased to require even the help of the tribunes, since the decemvirs yielded to one another when an appeal was taken.[1]

XXXV. But when the comitia for the election of decemvirs had been announced to take place in four-

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bitio ut primores quoque civitatis—metu, credo, ne
tanti possessio imperii vacuo ab se relicto loco haud
satis dignis pateret—prensarent homines, honorem
summa ope a se impugnatum ab ea plebe cum qua
3 contenderant[1] suppliciter petentes. Demissa[2] iam
in discrimen dignitas ea aetate iisque honoribus actis
stimulabat Ap. Claudium. Nescires utrum inter de-
4 cemviros an inter candidatos numerares. Propior
interdum petendo quam gerendo magistratui erat.
Criminari optimates, extollere candidatorum levis-
simum quemque humillimumque, ipse medius inter
5 tribunicios, Duillios[3] Iciliosque,[4] in foro volitare, per
illos se plebi venditare, donec collegae quoque, qui
unice illi dediti fuerant ad id tempus, coniecere in
6 eum oculos, mirantes quid sibi vellet: apparere nihil
sinceri esse; profecto haud gratuitam in tanta super-
bia comitatem fore: nimium in ordinem se ipsum
cogere et volgari cum privatis non tam properantis
abire magistratu quam viam ad continuandum magis-
7 tratum quaerentis esse. Propalam obviam ire cupidi-
tati parum ausi obsecundando mollire impetum
adgrediuntur. Comitiorum illi habendorum, quando
8 minimus natu sit, munus consensu iniungunt. Ars
haec erat, ne semet ipse creare posset, quod praeter
tribunos plebi—et id ipsum pessimo exemplo—nemo

[1] contenderant *R*[2] ς: contenderent Ω.
[2] demissa ς: dimissa (dīmissa *B*) Ω.
[3] Duillius *F*[3] *Madvig* (II. lviii. 2): duellios Ω.
[4] Icilios que *H*: silicisosque (silitiosque *O*) Ω.

[1] A *nundinum* contained 8 days. The name (novem = nine) came from the Roman way of counting the Sunday, as it were, with the old week, as well as the new.

and-twenty days,[1] there was a great outburst of canvassing; even the chief men in the state—from fear, I doubt not, that if they left the field this great power might fall into unworthy hands—solicited men's votes and humbly begged for an office which they had themselves opposed with all their influence, from those plebeians with whom they had contended. The risk of losing his position, at his time of life, and after holding the offices he had held, acted as a spur to Appius Claudius. One would not have known whether to reckon him among the decemvirs or the candidates. He was at times more like one who sought a magistracy than like one who exercised it. He vilified the nobles; praised all the most insignificant and low-born candidates; and surrounding himself with former tribunes, like Duillius and Icilius, bustled about the Forum, and through them recommended himself to the plebs; till even his colleagues, who had been singularly devoted to him until then, looked askance at him and wondered what this could mean. It was evident there could be nothing genuine about it; so proud a man would certainly not be affable for nothing; excessive self-abasement and mingling with private citizens were not so much the marks of one who was in haste to retire from office as of one who sought the means of re-election. Open opposition to his desires being more than they dared venture, they endeavoured by a show of complaisance to lessen its intensity; and unanimously appointed him, as their youngest colleague, to preside at the election. This was a trick, that he might be unable to declare himself elected, a thing which none but tribunes of the plebs (and even there the precedent was most B.C. 451

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unquam fecisset. Ille enimvero, quod bene vertat, 9 habiturum se comitia professus, impedimentum pro occasione arripuit, deiectisque honore per coitionem[1] duobus Quinctiis, Capitolino et Cincinnato, et patruo suo C. Claudio, constantissimo viro in optimatium causa, et aliis eiusdem fastigii civibus, nequaquam 10 splendore vitae pares decemviros creat, se in primis, quod haud secus factum improbabant boni quam 11 nemo facere ausurum crediderat. Creati cum eo M. Cornelius Maluginensis M. Sergius L. Minucius Q. Fabius Vibulanus Q. Poetelius[2] T. Antonius Merenda K. Duillius[3] Sp. Oppius Cornicen M'. Rabuleius.

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XXXVI. Ille finis Appio alienae personae ferendae fuit. Suo iam inde vivere ingenio coepit novosque collegas, iam priusquam inirent magistratum, in suos 2 mores formare. Cottidie coibant remotis arbitris; inde impotentibus instructi consiliis, quae secreto ab aliis coquebant, iam haud dissimulando superbiam, rari aditus, conloquentibus difficiles, ad idus Maias

[1] coitionem *Sigonius*: contionem (contentionem *M*) Ω.
[2] Poetelius *Sigonius* (*C.I.L.* i², *pp.* 126, 130): poetilius Ω.
[3] K. Duillius ς (*cf.* II. lviii. 2; *Dion. Hal.* X. lviii. 4): c. duillius *M*: c. duilius Ω: eduilius *RD*.

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[1] *Coitio* is an understanding between two candidates whereby the stronger transfers a part of his support to the weaker, in order to defeat a third candidate.

B.C. 451

vicious) had ever done. But Appius, strange as it may seem, having promised, with a prayer for Heaven's blessing, to convene the comitia, turned the obstacle into an opportunity. He effected by collusion[1] the defeat of the two Quinctii, Capitolinus and Cincinnatus, of his uncle Gaius Claudius, a steadfast champion of the aristocratic cause, and of other citizens of the same exalted rank; and declared the election of decemvirs who were no match for these men in excellence. His own name he announced among the first, a thing which good citizens condemned with as perfect unanimity, now it was done, as they had before believed he would not dare to do it. With him were elected Marcus Cornelius Maluginensis, Marcus Sergius, Lucius Minucius, Quintus Fabius Vibulanus, Quintus Poetelius, Titus Antonius Merenda, Caeso Duillius, Spurius Oppius Cornicen, Manius Rabuleius.[2]

B.C. 450

XXXVI. Appius now threw off the mask he had been wearing, and began from that moment to live as his true nature prompted him. His new colleagues too he commenced, even before they entered upon office, to fashion after his own character. Every day they met together without witnesses. The tyrannical designs which they there adopted they matured in secret. They now no longer sought to conceal their pride; they were difficult of access, and surly towards those who sought to speak with them. Thus they carried matters until the Ides of

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[2] Dion. Hal. XI. xxiii. says that Poetelius, Duillius, and Oppius were plebeians, as were probably Antonius and Rabuleius as well. But Livy tells us (IV. iii. 17) that they were all patricians.

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3 rem perduxere. Idus tum Maiae sollemnes ineundis magistratibus erant. Inito igitur magistratu [1] primum honoris diem denuntiatione ingentis terroris insignem fecere. Nam cum ita priores decemviri servassent ut unus fasces haberet et hoc insigne regium in orbem, suam cuiusque vicem, per omnes iret, subito omnes
4 cum duodenis fascibus prodiere. Centum viginti lictores forum impleverant et cum fascibus secures inligatas praeferebant; nec attinuisse demi securem, cum sine provocatione creati essent, interpreta-
5 bantur. Decem regum species erat multiplicatusque terror non infimis solum sed primoribus patrum, ratis caedis causam ac principium quaeri, ut si quis memorem libertatis vocem aut in senatu aut in populo [2] misisset statim virgae securesque etiam ad
6 ceterorum metum expedirentur. Nam praeterquam quod in populo nihil erat praesidii sublata provocatione, intercessionem quoque consensu sustulerant, cum priores decemviri appellatione collegae corrigi reddita ab se iura tulissent et quaedam, quae sui iudicii videri possent, ad populum reiecissent.
7 Aliquamdiu aequatus inter omnes terror fuit; paulatim totus vertere in plebem coepit. Abstinebatur a patribus; in humiliores libidinose crudeliterque consule-

[1] Inito igitur magistratu *Madvig* (*after Duker*): initio igitur magistratus Ω.
[2] in populo ς: in populum Ω.

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[1] May 15th.

May,[1] at that time the traditional date for beginning a term of office. So then, when they had taken up their duties, they signalized the first day of their administration by a terrible threat. For whereas the former decemvirs had kept to the rule that only one should have the fasces, and that this regal emblem should pass from one to another in rotation, so that each should have his turn, they suddenly appeared in public, every man with his twelve fasces. A hundred and twenty lictors crowded the Forum, and before them, bound up in the rods, they carried axes. And indeed the decemvirs explained that there had been no reason for removing the axe, since the office to which they had been chosen was without appeal. They seemed like ten kings; and the terror they inspired, not only in the humblest citizens but in the leaders of the senate, was intensified by the belief that the decemvirs were merely seeking a pretext and an opening for bloodshed, so that if anybody should pronounce a word in praise of liberty, either in the senate or before the people, the rods and axes might instantly be made ready, were it only to frighten the rest. For besides that there was no help in the people, the right of appeal having been taken away, they had further agreed not to interfere with each other's decisions; whereas their predecessors had allowed their judgments to be revised upon appeal to one of their colleagues; and certain cases which might have been held to be within their own competence they had referred to the people. For a brief period the terror was shared equally by all; but little by little its full force began to fall upon the plebs. The patricians were left unmolested; humbler folk were dealt with

B.C. 450

A.U.C. 304 batur. Hominum, non causarum toti erant, ut apud
8 quos gratia vim aequi haberet. Iudicia domi con-
flabant, pronuntiabant in foro. Si quis collegam
appellasset, ab eo ad quem venerat ita discedebat ut
9 paeniteret non prioris decreto stetisse. Opinio etiam
sine auctore exierat non in praesentis modo temporis
eos iniuriam conspirasse, sed foedus clandestinum
inter ipsos iure iurando ictum, ne comitia haberent
perpetuoque decemviratu possessum semel obtinerent
imperium.

A.U.C. 305 XXXVII. Circumspectare tum patriciorum voltus
plebeii et inde libertatis captare auram unde servi-
tutem timendo in eum statum rem publicam ad-
2 duxerant. Primores patrum odisse decemviros, odisse
plebem; nec probare quae fierent, et credere haud
indignis accidere; avide ruendo ad libertatem in
3 servitutem elapsos iuvare nolle, cumulari[1] quoque
iniurias, ut taedio praesentium consules duo tandem
4 et status pristinus rerum in desiderium veniant. Iam
et processerat pars maior anni et duae tabulae legum
ad prioris anni decem tabulas erant adiectae, nec
quicquam iam supererat, si eae quoque leges centuri-
atis comitiis perlatae essent, cur eo magistratu rei
5 publicae opus esset. Exspectabant quam mox con-
sulibus creandis comitia edicerentur. Id modo

[1] cumulari *Madvig*: cumulare (cumm. *H*) Ω.

arbitrarily and cruelly. It was all a question of persons, B.C. 450
not of causes, with the decemvirs, since influence held with them the place of right. They concocted their judgments in private, and pronounced them in the Forum. If anybody sought redress from another decemvir, he came away regretting that he had not accepted the decision of the first. Moreover a report had got out, though it was not vouched for, that they had not only conspired for present wrong-doing but had ratified with an oath a secret agreement amongst themselves not to call an election, but by means of a perpetual decemvirate to hold the power they had once for all acquired.

XXXVII. The plebeians then fell to searching the B.C. 449
countenances of the patricians, and would catch at the breath of freedom in that quarter where they had so feared enslavement as to have reduced the state to its present plight. The leading senators hated the decemvirs and hated the plebs. They could not approve of the things that were being done; still they believed them to be not undeserved. They had no desire to help those who in their greedy rush for liberty had fallen upon servitude, preferring that their wrongs should even be multiplied, that disgust at their actual situation might in the end arouse a longing for the two consuls and the former status of affairs. And now the greater part of the year had passed, and the two tables of laws had been added to the ten of the year before; nor was there any further business to make the decemvirate necessary to the republic, so soon as those statutes too should have been enacted in the centuriate assembly. People were anxiously looking forward to the time when the comitia for the election of consuls should

A.U.C. 305 plebes[1] agitabat, quonam modo tribuniciam potestatem, munimentum libertati, rem intermissam, repararent; cum interim mentio comitiorum nulla
6 fieri. Et decemviri, qui primo tribunicios homines, quia id populare habebatur, circum se ostentaverant plebi, patriciis iuvenibus saepserant latera. Eorum
7 catervae tribunalia obsederant. Hi ferre agere plebem plebisque res, cum fortuna, quidquid[2] cupitum foret,
8 potentioris esset. Et iam ne tergo quidem abstinebatur; virgis caedi, alii securi subici; et ne gratuita crudelitas esset, bonorum donatio sequi domini supplicium. Hac mercede iuventus nobilis corrupta non modo non ire obviam iniuriae, sed propalam licentiam suam malle quam omnium libertatem.

XXXVIII. Idus Maiae venere. Nullis subrogatis magistratibus privati pro decemviris neque animis ad imperium inhibendum imminutis neque ad speciem honoris insignibus prodeunt. Id vero regnum haud
2 dubie videri. Deploratur in perpetuum libertas, nec vindex quisquam exsistit aut futurus videtur. Nec ipsi solum desponderant animos, sed contemni coepti erant a finitimis populis, imperiumque ibi esse ubi
3 non esset libertas indignabantur. Sabini magna manu incursionem in agrum Romanum fecere; lateque

[1] plebes *HR*^{2}: plebs *O*: plebe *PR*? *DL*: plebem *P*^{2}*FUBD*^{3}.
[2] quidquid *Duker*: qua quidquid (qui quicquid *H*) Ω.

[1] Rome enjoyed no hegemony over Sabines and Aequians at this time, though Livy evidently thinks she did.

be announced. The plebeians felt only one concern: how were they ever going to restore the tribunician power (their bulwark of liberty) which had been suspended? Meanwhile there was no mention of an election. And the decemvirs, who had at first exhibited themselves to the plebs in the society of former tribunes, because this had been thought a recommendation to the people, had now assumed a retinue of young patricians. Their bands blocked the tribunals. They bullied the plebs and plundered their possessions; for success attended the strong, no matter what they coveted. And now they ceased even to respect a man's person; some they scourged with rods, others they made to feel the axe; and, that cruelty might not go unrequited, they bestowed the victim's property upon his slayer. Corrupted by these wages, the young nobles not only made no stand against wrong-doing, but frankly showed that they preferred licence for themselves to liberty for all. B.C. 449

XXXVIII. The Ides of May came. Without causing any magistrates to be elected, the decemvirs, now private citizens, appeared in public with no abatement either of the spirit with which they exercised their power or the insignia which proclaimed their office. But this was unmistakable tyranny. Men mourned for liberty as for ever lost; nor did any one arise, or seem likely to do so, in its defence. And not only had the people themselves lost heart; but they had begun to be despised by the neighbouring nations, who could ill brook the existence of imperial power where there was no liberty.[1] The Sabines made an incursion with a large force into Roman territory, which they every-

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populati, cum hominum atque pecudum inulti praedas
egissent, recepto ad Eretum[1] quod passim vagatum
erat agmine castra locant, spem in discordia Romana
4 ponentes: eam impedimentum dilectui fore. Non
nuntii solum sed per urbem agrestium fuga trepida-
tionem iniecit. Decemviri consultant quid opus facto
sit, destituti inter patrum et plebis odia. Addit[2] ter-
5 rorem insuper alium fortuna. Aequi alia ex parte
castra in Algido locant depopulanturque inde excur-
sionibus Tusculanum agrum. Legati ea[3] ab Tusculo
6 praesidium orantes nuntiant. Is pavor perculit de-
cemviros ut senatum simul duobus circumstantibus
urbem bellis consulerent. Citari iubent in curiam
patres haud ignari quanta invidiae immineret tem-
7 pestas: omnes vastati agri periculorumque imminen-
tium causas in se congesturos, temptationemque eam
fore abolendi sibi magistratus, ni consensu resisterent
imperioque inhibendo acriter in paucos praeferocis
8 animi conatus aliorum comprimerent. Postquam
audita vox in foro est praeconis patres in curiam
ad decemviros vocantis, velut nova res, quia inter-
miserant iam diu morem consulendi senatus, mira-
bundam plebem convertit, quidnam incidisset, cur ex
9 tanto intervallo rem desuetam usurparent; hostibus

[1] ad Eretum ς: ad fretum Ω: ac eretum *M*?: ad efretum *PFU*.
[2] addit Ω: addidit *VHRDL*.
[3] legati ea *V*: legatie *D*?: legati Ω.

where laid waste. Having safely driven off their booty, comprising men and beasts, they withdrew their army, which had ranged far and wide, to Eretum. There they established a camp, hoping that the want of harmony at Rome would interfere with the levying of troops. Not only the messengers who came, but the flight of the country-people, who thronged the City, inspired a feeling of dismay. The decemvirs considered what they had best do; for they were left in the lurch by the hatred of the patricians on the one side and of the plebs on the other. Moreover Fortune sent an additional alarm. The Aequi came from another quarter and encamped on Algidus, and from there raided the lands of Tusculum. Tusculan envoys brought tidings of these acts, and besought protection. The fright which this occasioned drove the decemvirs, now that the City was hemmed in between two simultaneous wars, to consult the senate. They ordered the Fathers to be summoned to the Curia, though they were not ignorant how great a storm of unpopularity was brewing: the devastation of the land and the dangers which impended would be laid by everybody at their doors; and this would lead to an attempt being made to abolish their magistracy, unless they presented a united resistance, and by sharply exercising their power upon the few really daring spirits, put a stop to the efforts of the rest. When the crier's voice was heard in the Forum, calling the senators to meet the decemvirs in the Curia, it was like an innovation, so long had they disregarded the custom of consulting the senate, and it aroused the attention of the plebs, who wondered what in the world could have happened, that after so long an interval they B.C. 449

A.U.C. 305 belloque gratiam habendam, quod solitum quicquam liberae civitati[1] fieret. Circumspectare omnibus fori
10 partibus senatorem raroque usquam noscitare; curiam inde ac solitudinem circa decemviros intueri, cum et ipsi[2] consensu invisum imperium et plebs, quia privatis ius non esset vocandi senatum, non convenire patres interpretarentur: iam caput fieri libertatem repetentium, si se plebs comitem senatui det, et quem ad modum patres vocati non coeant in senatum, sic plebs
11 abnuat dilectum. Haec fremunt plebes. Patrum haud fere quisquam in foro, in urbe rari erant. Indignitate rerum cesserant in agros, suarumque rerum erant amissa publica, tantum ab iniuria se abesse rati, quantum a coetu congressuque impotentium
12 dominorum se amovissent. Postquam citati non conveniebant, dimissi circa domos apparitores simul ad pignera capienda sciscitandumque num consulto detrectarent referunt senatum in agris esse. Laetius id decemviris accidit quam si praesentes detrectare
13 imperium referrent. Iubent acciri omnes, senatumque in diem posterum edicunt; qui aliquanto

[1] civitati *Drakenborch* (*confirmed by V*): ciuitatis Ω.
[2] ipsi Ω: ipsis *M*: ipsi suum *Conway and Walters.*

should be reviving a forgotten usage; the enemy and B.C. 449
the war deserved men's gratitude, if anything whatever was being done which was usual in a free state. Men looked about in every corner of the Forum to discover a senator, and seldom recognized one anywhere; then their glances rested on the Curia and the decemvirs sitting there alone. Meantime the decemvirs themselves explained the Fathers' failure to assemble as owing to the universal detestation of their rule; the commons as due to their having no authority, being private citizens, to convoke the senate: a beginning, it seemed, was already being made towards the recovery of freedom, if the plebs would join with the senate; and if, even as the Fathers were refusing, when summoned, to attend the session, so they, for their part, would reject the levy. Such were the murmurs of the plebs. Of senators there was scarce one in the Forum, and there were but few in the City. In their resentment at the situation they had withdrawn to their farms and were absorbed in their private affairs, disregarding those of the nation; for they felt that they were secure from insult only so far as they removed themselves from contact and association with their tyrannical masters. When on being cited they failed to appear, officers were sent round to their houses, for the double purpose of exacting fines and of ascertaining whether their recalcitrancy were deliberate. They reported that the senators were in the country. This was more pleasing to the decemvirs than if they had announced that the Fathers were in town and repudiated their authority. They commanded them all to be summoned, and proclaimed a meeting of the senate for the following day. This session

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spe ipsorum frequentior convenit. Quo facto proditam
a patribus plebs libertatem rata, quod iis qui iam
magistratu abissent privatisque, si vis abesset, tam-
quam iure cogentibus senatus paruisset.

XXXIX. Sed magis oboedienter ventum in curiam[1]
2 quam obnoxie dictas sententias accepimus. L. Va-
lerium Potitum proditum memoriae est post rela-
tionem Ap. Claudi, priusquam ordine sententiae
rogarentur, postulando ut de re publica liceret dicere,
prohibentibus minaciter decemviris proditurum se ad
3 plebem denuntiantem tumultum excivisse. Nec minus
ferociter M. Horatium Barbatum isse in certamen,
decem Tarquinios appellantem admonentemque Va-
4 leriis et Horatiis ducibus pulsos reges. Nec nominis
homines tum pertaesum esse, quippe quo Iovem
appellari fas sit, quo Romulum, conditorem urbis,
deincepsque reges,[2] quod sacris etiam ut sollemne
retentum sit: superbiam violentiamque tum perosos
5 regis. Quae si in rege tum[3] aut in filio regis ferenda
non fuerint, quem eadem[4] laturum in tot privatis?
6 Viderent ne vetando in curia libere homines loqui
extra curiam etiam moverent vocem; neque se videre

[1] in curiam *Madvig*: in curiam est (esse *M*) Ω.
[2] reges *Madvig*: reges appellatos Ω.
[3] rege tum *Walters*: rege tum eodem Ω.
[4] quem eadem laturum *Walters*: quem laturum Ω: qua laturiam *R*: quam laturiam *DL*.

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[1] Livy did not mention Horatius in his account of the expulsion of the kings, but he is named by Dion. Hal. IV. lxxxv. Here Livy and Dion. Hal. (XI. v.), are in agreement, and are perhaps following the account of Licinius Macer.
[2] See II. ii. 1.

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was somewhat better attended than they had themselves expected. Whereupon the plebs concluded that liberty had been betrayed by the senators, since those who had already gone out of office and were mere private citizens, save for the force they exercised, were obeyed by them as though they had the authority to command.

XXXIX. But their obedience in coming to the senate-house was greater, we are told, than their submissiveness in the expression of their views. It is related that Lucius Valerius Potitus, after Appius Claudius had proposed his motion and before the senators were called upon in order for their opinions, demanded leave to speak on the state of the nation; and when the decemvirs tried with threats to prevent his doing so, stirred up a violent commotion by declaring that he would go before the plebs. With equal spirit, it is said, did Marcus Horatius Barbatus enter the dispute, calling them ten Tarquinii, and warning them that the Valerii and the Horatii had been leaders in the expulsion of the kings.[1] Nor was it the name, said he, which had then disgusted men, since by this name Jupiter was duly called; and Romulus, the founder of the City; and the successive kings; and it had even been retained for religious rites as a solemn title.[2] No, it was the pride and violence of the king which men had hated in those days; and if these qualities had then been intolerable in a king, or the son of a king, who would endure them in so many private citizens? Let them beware lest by denying men freedom of speech in the Curia they should set them a-talking outside the Curia as well. He could not see, he continued, how, as a private citizen, he was

qui[1] sibi minus privato ad contionem populum vocare
7 quam illis senatum cogere liceat. Ubi vellent experirentur quanto fortior dolor in libertate[2] sua vindicanda quam cupiditas in iniusta dominatione
8 esset. De bello Sabino eos referre, tamquam maius ullum populo Romano bellum sit quam cum iis[3] qui legum ferendarum causa creati nihil iuris in civitate reliquerint, qui comitia, qui annuos magistratus, qui vicissitudinem imperitandi, quod unum exaequandae sit libertatis, sustulerint; qui privati fasces et regium
9 imperium habeant. Fuisse regibus exactis patricios magistratus, creatos postea post secessionem plebis plebeios; cuius illi partis essent, rogitare. Populares? Quid enim eos per populum egisse? Optimates? Qui anno iam prope senatum non habuerint, nunc[4] ita
10 habeant, ut de re publica loqui prohibeant? Ne nimium in metu alieno spei ponerent; graviora quae patiantur videri iam hominibus quam quae metuant.

XL. Haec vociferante Horatio cum decemviri nec irae nec ignoscendi modum reperirent nec quo evasura
2 res esset cernerent, C. Claudi, qui patruus Appi decemviri erat, oratio fuit precibus quam iurgio similior,[5] orantis per sui fratris parentisque eius manes ut

[1] qui *UOR*^{2}: quin Ω.
[2] in libertate *R*^{2}*D*^{4}ς: libertate Ω.
[3] iis ς: is *MPO*: his Ω.
[4] nunc *Scheller*: tunc Ω.
[5] similior *R*^{2} *Ascensius*: similis Ω.

less entitled to assemble the people for a speech than they were to convene the senate. When they liked they might learn by making the experiment how much stronger indignation was in the vindication of a man's own liberty than was ambition in defence of unjust power. The decemvirs talked of a Sabine war, as if any war were more important to the Roman People than war with those who, though they had been appointed to propose statutes, had left no law in the state; who had done away with elections, with annual magistracies, with the succession of new governors—the only means of equalizing liberty;—and who, though private citizens, had the rods and the power of kings. Following the expulsion of the kings there had been patrician magistrates; later, after the secession of the plebs, plebeian magistrates had been elected. Of what party, he asked, were they? Of the popular party? Pray what had they done through the agency of the people? Of the aristocratic party? When they had held no meeting of the senate for close upon a year, and were now so conducting it as to suppress discussion of the national welfare? Let them not trust too much to other men's fears; the things men were enduring now seemed more grievous to them than the things they feared. B.C. 449

XL. While Horatius was thus declaiming, the decemvirs were at a loss to know how far they could afford either to resent or to overlook it; nor could they make out what the upshot was likely to be. But Gaius Claudius, the uncle of Appius the decemvir, made a speech, approaching more nearly to entreaty than expostulation, in which he implored him in the name of his own brother's and his father's departed

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3 civilis potius societatis, in qua natus esset, quam
foederis nefarie icti cum collegis meminisset. Multo
id magis se illius causa orare quam rei publicae;
4 quippe rem publicam, si a volentibus nequeat, ab
invitis ius expetituram; sed ex magno certamine
magnas excitari ferme iras; earum eventum se hor-
5 rere. Cum aliud praeterquam de quo rettulissent
decemviri dicere prohiberent, Claudium interpellandi
verecundia fuit. Sententiam igitur peregit nullum
6 placere senatus consultum fieri. Omnesque ita acci-
piebant, privatos eos a Claudio iudicatos; multique
7 ex consularibus verbo adsensi sunt. Alia sententia,
asperior in speciem, vim minorem aliquanto habuit,
quae patricios coire ad prodendum interregem iube-
bat. Censendo enim quodcumque[1] magistratus esse
qui senatum haberent iudicabant, quos privatos fecerat
8 auctor nullius senatus consulti faciendi. Ita labente
iam causa decemvirorum L. Cornelius Maluginensis,
M. Corneli decemviri frater, cum ex consularibus ad
ultimum dicendi locum consulto servatus esset, simu-
lando curam belli fratrem collegasque eius tuebatur,
9 quonam fato incidisset mirari se dictitans ut de-
cemviros, qui decemviratum petissent—aut soli ii aut[2]
10 maxime—oppugnarent; aut quid ita, cum per tot

[1] quodcumque *Madvig*: quoscumque (quiscunque *F*) Ω.
[2] aut soli ii aut *Conway*: aut soli aut ii *Crevier*: aut solii aut hi ς: aut socii aut ii (*or* hi) Ω.

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spirits to remember rather the civil society in which he had been born than the wicked compact he had entered into with his colleagues. This he begged much more for Appius's own sake than for the sake of the nation; indeed the nation would demand its rights in spite of the decemvirs, if they did not accord them voluntarily; but a great struggle usually aroused great passions, and he shuddered to think what these might lead to. Although the decemvirs wished to prevent discussion of anything but the subject they had introduced, they were ashamed to interrupt Claudius, who accordingly brought his speech to a conclusion, with the proposal that the senate should take no action. Everybody accepted this as meaning that Claudius held the decemvirs to be private citizens; and many of consular rank signified their approval, without discussion. Another motion, ostensibly harsher, but in reality somewhat less drastic, directed the patricians to assemble and proclaim an interrex. For by passing any measure whatsoever they declared those who presided over the senate to be magistrates; whereas they had been rated as mere citizens by him who advised the senate against adopting any resolution. Thus the cause of the decemvirs was already collapsing, when Lucius Cornelius Maluginensis, brother of Marcus Cornelius the decemvir, who had purposely been reserved to be the last speaker among the ex-consuls, defended his brother and his brother's colleagues by feigning anxiety about the war. He said he wondered by what fatality it had come about that the decemvirs were being attacked solely, or at least chiefly, by those who had sought election to that office; or why it was that during

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menses vacua civitate nemo iustine magistratus summae rerum praeessent controversiam fecerit,[1] nunc demum cum hostes prope ad portas sint, civiles discordias serant, nisi quod in turbido minus perspicuum
11 fore putent quid agatur. Ceterum—nonne enim[2] maiore cura occupatis animis verum esse praeiudicium rei tantae auferri?—sibi placere de eo quod Valerius Horatiusque ante idus Maias decemviros abisse magistratu[3] insimulent, bellis quae immineant perfectis, re publica in tranquillum redacta, senatu
12 disceptante agi, et iam nunc ita se parare Ap. Claudium ut comitiorum quae decemviris creandis decemvir ipse habuerit sciat sibi rationem reddendam esse utrum in unum annum creati sint, an donec
13 leges quae deessent perferrentur. In praesentia omnia praeter bellum omitti placere; cuius si falso famam volgatam, vanaque non nuntios solum sed Tusculanorum etiam legatos adtulisse putent, speculatores mittendos censere qui certius explorata
14 referant; sin fides et nuntiis et legatis habeatur, dilectum primo quoque tempore haberi et decemviros quo cuique eorum videatur exercitus ducere nec rem aliam praeverti.

XLI. In hanc sententiam ut discederetur iuniores

[1] fecerit F^3U: fecerint (fecerunt *O*) Ω.
[2] nonne enim *Walters*: neminem (nemini se *M*?) Ω.
[3] magistratu F^3 (*or* F^2) D^χ: magistratum Ω.

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[1] Apparently the decemvirs were technically within their rights in claiming that they held office until the tables were ratified by popular vote.

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the many months in which the state had been at peace nobody had raised the question whether regular magistrates were at the head of affairs, and only now, when the enemy were almost at their gates, were men sowing political dissension; unless it was because they thought that in troubled waters it would be harder to discern what was going on. For the rest, was it not right that when men's attention was taken up with the larger concern, all prejudgment of so important a matter should be eliminated? He therefore proposed, concerning the charge brought by Valerius and Horatius that the official term of the decemvirs had expired on the day before the Ides of May, that they should first conclude the impending wars and restore the state's tranquillity, and then refer the question to the senate for settlement; and that Appius Claudius should at once make up his mind to recognize that he must explain, regarding the comitia which he had held for the election of decemvirs—being one himself—whether they were chosen for one year or until the missing laws should be enacted.[1] For the present he thought they should pay no attention to anything but the war. If the current rumours about it seemed to them to be false, and if they supposed that not only the couriers but the Tusculan envoys also had brought them idle stories, he suggested that they send out scouts to investigate and return with more certain information. But if they trusted both couriers and envoys, a levy should be held at the earliest possible moment; and the decemvirs should lead the armies whither it seemed good to each of them, giving precedence to no other business.

XLI. The younger senators were about to force

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patrum evincebant. Ferocioresque iterum coorti Va-
lerius Horatiusque vociferari ut de re publica liceret
dicere; dicturos ad populum, si in senatu per factionem
non liceat; neque enim sibi privatos aut in curia aut
in contione posse obstare, neque se imaginariis fasci-
2 bus eorum cessuros esse. Tum Appius, iam prope
esse ratus ut ni violentiae eorum pari resisteretur
3 audacia victum imperium esset, "Non erit melius"
inquit, "nisi de quo consulimus vocem misisse," et
ad Valerium, negantem se privato reticere, lictorem
4 accedere iussit. Iam Quiritium fidem implorante
Valerio a curiae limine, L. Cornelius complexus
Appium, non cui[1] simulabat consulendo, diremit
certamen; factaque per Cornelium Valerio dicendi
gratia quae vellet, cum libertas non ultra vocem ex-
5 cessisset, decemviri propositum tenuere. Consulares
quoque ac seniores ab residuo tribuniciae potestatis
odio, cuius desiderium plebi multo acrius quam con-
sularis imperii rebantur esse, prope malebant post-
modo ipsos decemviros voluntate abire magistratu
6 quam invidia eorum exsurgere rursus plebem: si
leniter ducta res sine populari strepitu ad consules
redisset, aut bellis interpositis aut moderatione con-
sulum in imperiis exercendis posse in oblivionem
tribunorum plebem adduci.

[1] non cui *Vorm.*? (*Rhenanus*): non quid cui *M*: non quid (*qd. O*) Ω: non quod *U*ς.

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[1] He pretended concern for Valerius, but was really prompted by a wish to further the ends of Appius, by preventing an undesirable test of men's temper.

this motion through on a division, when Valerius and B.C. 449
Horatius, in a second and more impassioned outburst, demanded that they be permitted to speak about the state of the nation. They would address the people, they said, if they were restrained by a faction from speaking in the senate; for neither could private citizens prevent them, whether in the senate-house or in an assembly, nor would they yield to the emblems of a fictitious authority. Thereupon Appius, thinking the moment was at hand when, unless he opposed their violence with equal boldness, his authority was doomed, cried out, "It will be safer not to utter a word except on the subject of debate!" And when Valerius asserted that he would not be silenced by a mere citizen, he sent a lictor to arrest him. Valerius was imploring the citizens for help, from the threshold of the Curia, when Lucius Cornelius, throwing his arms about Appius, and feigning to be concerned for the other man,[1] stopped the quarrel. At his request Valerius was permitted to say what he wished. But liberty went no further than speech; the decemvirs made good their design. Even the ex-consuls and the elder senators, in consequence of their lingering hatred of the tribunician power, which they thought the plebs regretted much more keenly than they did the authority of the consuls, almost preferred that at some later time the decemvirs should voluntarily abdicate than that hatred of them should lead to another rising of the plebs. If gentle measures should restore the government to the consuls, without any popular outcry, they might, either through the intervention of wars, or through the moderation of the consuls in the exercise of their power, bring the plebeians to forget the tribunes.

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7 Silentio patrum edicitur dilectus. Iuniores, cum
sine provocatione imperium esset, ad nomina re-
spondent. Legionibus scriptis inter se decemviri
comparant,[1] quos ire ad bellum, quos praeesse exer-
8 citibus oporteret. Principes inter decemviros erant
Q. Fabius et Ap. Claudius. Bellum domi maius
quam foris apparebat. Appi violentiam aptiorem
rati ad comprimendos urbanos motus; in Fabio minus
in bono constans potius quam[2] navum in malitia
9 ingenium esse. Hunc enim virum, egregium olim
domi militiaeque, decemviratus collegaeque ita mu-
taverant, ut Appi quam sui similis mallet esse. Huic
bellum in Sabinis M'. Rabuleio[3] et Q. Poetelio[4]
10 additis collegis mandatum. M. Cornelius in Algidum
missus cum L. Minucio et T. Antonio et K. Duillio
et M. Sergio.[5] Sp. Oppium Ap. Claudio adiutorem
ad urbem tuendam aequo omnium decemvirorum
imperio decernunt.

XLII. Nihilo militiae quam domi melius res
2 publica administrata est. Illa modo in ducibus culpa
quod ut odio essent civibus fecerant; alia omnis
penes milites noxia erat, qui ne quid ductu atque
auspicio decemvirorum prospere usquam gereretur
vinci se per suum atque illorum dedecus patiebantur.
3 Fusi et ab Sabinis ad Eretum[6] et in Algido ab Aequis

[1] comparant *Cobet*: comparabant Ω.

[2] constans potius quam *H. J. Mueller*: constans quam Ω.

[3] M'. Rabuleio *R Sigonius* (*cf. chap.* xxxv. § 11; *Dion. Hal.* x. lviii. 4): m̄. rabulleio (-bule- *D*) Ω.

[4] Poetelio *Sigonius* (*cf. chap.* xxxv. § 11): poetilio Ω: poetioli *B*: petilio *F*[3] (petelio *F*?).

[5] M. Sergio ς (*cf. chap.* xxxv. § 11): l. sergio Ω: Sergio *U*.

[6] Eretum ς: fretum Ω.

The senators permitted in silence the proclamation B.C. 449
of a levy. The young men answered to their names, since the authority of the decemvirs was without appeal. When the legions were enrolled, the decemvirs settled among themselves who ought to go to the front and who command the armies. Chief among the ten were Quintus Fabius and Appius Claudius. The war at home seemed more important than that abroad. The violence of Appius was, they thought, more adapted to quell disturbances in the City; while Fabius was of a character deficient in steady rectitude rather than actively bad. For this man, once pre-eminent in civil and in military affairs, had been so altered by the decemvirate and by his colleagues that he chose rather to be like Appius than like himself. To him was intrusted the war in the Sabine country, and Manius Rabuleius and Quintus Poetelius were given him as colleagues. Marcus Cornelius was sent to Mount Algidus, with Lucius Minucius, Titus Antonius, Caeso Duillius, and Marcus Sergius. Spurius Oppius they assigned to Appius Claudius, to help him in looking out for the City; and they gave them the same powers as had been exercised by the entire board.

XLII. The business of the nation was managed no better in the field than at home. The only fault of the generals was that they had made the citizens detest them; the rest of the blame belonged to the soldiers, who, that nothing might anywhere prosper under the command and auspices of the decemvirs, permitted themselves to be beaten, to their own disgrace and that of their commanders. Their armies were routed, both by the Sabines near Eretum, and on Algidus by the Aequi. From Eretum they

A.U.C. 305 exercitus erant. Ab Ereto[1] per silentium noctis profugi propius urbem, inter Fidenas Crustumeriamque,
4 loco edito castra communierant; persecutis hostibus nusquam se aequo certamine committentes, natura loci
5 ac vallo, non virtute aut armis tutabantur. Maius flagitium in Algido, maior etiam clades accepta; castra quoque amissa erant, exutusque omnibus utensilibus miles Tusculum se, fide misericordiaque victurus hospitum,
6 quae tamen non fefellerunt, contulerat.[2] Romam tanti erant terrores allati ut posito iam decemvirali odio patres vigilias in urbe habendas censerent, omnes qui per aetatem arma ferre possent custodire moenia
7 ac pro portis stationes agere iuberent, arma Tusculum ac[3] supplementum decernerent decemvirosque ab arce Tusculi degressos in castris militem habere; castra alia a Fidenis in Sabinum agrum transferri, belloque ultro inferendo deterreri hostes a consilio urbis oppugnandae.

XLIII. Ad clades ab hostibus acceptas duo nefanda
2 facinora decemviri belli domique adiciunt. L. Siccium in Sabinis, per invidiam decemviralem tribunorum creandorum secessionisque mentiones ad volgus militum sermonibus occultis serentem, prospeculatum ad
3 locum castris capiendum mittunt. Datur negotium militibus quos miserant expeditionis eius comites ut

[1] Ereto *Mς*: efreto (*or* freto) Ω.
[2] contulerat *Uς*: contulerant (*wanting in V*) Ω.
[3] ac *VM*: ad Ω.

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[1] Surnamed Dentatus, and known, according to Aulus Gellius (II. xi.) as the Roman Achilles. Dion. Hal. (XI. xxv. f.) tells the story at greater length and somewhat differently.

fled in the silence of the night, and intrenched B.C. 449
themselves near the City, between Fidenae and Crustumeria, on elevated ground. When the enemy followed them up, they nowhere ventured to fight in the open field, but defended themselves by the position and their rampart, not by bravery and arms. The disgrace on Algidus was worse, and a worse disaster was sustained; even the camp was lost, and stripped of all their baggage, the soldiers fled to Tusculum, to subsist by the loyalty and compassion of their hosts,—which nevertheless did not fail them. To Rome came such alarming reports that the patricians, laying aside now their hatred of the decemvirs, voted to establish watches in the City, and commanded all who were of an age to bear arms to guard the walls and do outpost duty before the gates. They decreed that arms should be dispatched to Tusculum, and reinforcements, and that the decemvirs should descend from the Tusculan citadel and hold their troops in camp; that the other camp should be transferred from Fidenae to Sabine territory, so that by taking the offensive they might frighten the enemy into abandoning his design to besiege the City.

XLIII. To the disaster suffered at the hands of the enemy the decemvirs added two shameful crimes, one committed in the field, the other at home. Lucius Siccius[1] was serving in the Sabine campaign. Taking advantage of the hatred entertained for the decemvirs, he would scatter hints, in secret conversations with the common soldiers, that they should elect tribunes and secede. So the generals sent him to look out a place for an encampment; and instructed the men whom they assigned to share his expedition to set

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4 eum opportuno adorti loco interficerent. Haud inultum interfecere; nam circa repugnantem aliquot insidiatores cecidere, cum ipse se praevalidus pari
5 viribus animo circumventus tutaretur. Nuntiant in castra ceteri praecipitatum in insidias esse; Siccium egregie pugnantem militesque quosdam cum eo
6 amissos. Primo fides nuntiantibus fuit; profecta deinde cohors ad sepeliendos qui ceciderant decemvirorum permissu, postquam nullum spoliatum ibi corpus Sicciumque in medio iacentem armatum[1] omnibus in eum versis corporibus videre, hostium neque corpus ullum nec vestigia abeuntium, profecto ab suis inter-
7 fectum memorantes rettulere corpus. Invidiaeque plena castra erant, et Romam ferri protinus Siccium placebat, ni decemviri funus militare ei publica inpensa facere maturassent. Sepultus ingenti militum maestitia, pessima decemvirorum in volgus fama est.

XLIV. Sequitur aliud in urbe nefas ab libidine ortum, haud minus foedo eventu quam quod per stuprum caedemque Lucretiae urbe regnoque Tarquinios expulerat, ut non finis solum idem decemviris qui regibus sed causa etiam eadem imperii amittendi
2 esset. Ap. Claudium virginis plebeiae stuprandae libido cepit. Pater virginis, L. Verginius, honestum

[1] armatum *V*: armatumque Ω.

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upon him when they had got to a suitable spot, and kill him. He died not unavenged. For he laid about him, and several of the assassins fell, for he was very strong, and though surrounded, defended himself with a courage equal to his strength. The others reported at the camp that they had fallen into an ambuscade, and that Siccius had perished, fighting valiantly, and with him certain soldiers. At first their report was believed; afterwards a cohort set out, by permission of the decemvirs, to bury the slain; and finding that none of the bodies there had been despoiled, and that Siccius lay armed in the midst, with all the bodies facing him, while the enemy had left no dead nor any indication of having withdrawn, they brought back the corpse, and declared that Siccius had certainly been murdered by his own men. The camp was ablaze with indignation, and it was resolved that Siccius should be carried to Rome forthwith; but the decemvirs made haste to give him a military funeral at the public cost. The soldiers sorrowed greatly at his burial, and the worst reports were current about the decemvirs.

XLIV. This outrage was followed by another, committed in Rome, which was inspired by lust and was no less shocking in its consequences than that which had led, through the rape and the death of Lucretia, to the expulsion of the Tarquinii from the City and from their throne; thus not only did the same end befall the decemvirs as had befallen the kings, but the same cause deprived them of their power. Appius Claudius was seized with the desire to debauch a certain maiden belonging to the plebs. The girl's father, Lucius Verginius, a

A.U.C. 305 ordinem in Algido ducebat, vir exempli recti domi militiaeque. Perinde uxor instituta fuerat liberique
3 instituebantur. Desponderat filiam L. Icilio tribunicio, viro acri et pro causa plebis expertae virtutis.
4 Hanc virginem adultam forma excellentem Appius amore amens pretio ac spe perlicere adortus, postquam omnia pudore saepta animadvertit,[1] ad
5 crudelem superbamque vim animum convertit. M. Claudio clienti negotium dedit ut virginem in servitutem adsereret neque cederet secundum libertatem postulantibus vindicias, quod pater puellae abesset
6 locum iniuriae esse ratus. Virgini venienti in forum —ibi namque in tabernaculis litterarum ludi erant— minister decemviri libidinis manum iniecit, serva sua[2] natam servamque appellans, sequique se iubebat:[3]
7 cunctantem vi abstracturum. Pavida puella stupente ad clamorem nutricis fidem Quiritium implorantis fit concursus. Vergini patris sponsique Icili populare nomen celebrabatur.[4] Notos gratia eorum, turbam
8 indignitas rei virgini conciliat. Iam a vi tuta erat, cum adsertor nihil opus esse multitudine concitata ait; se iure grassari, non vi. Vocat puellam in ius.

[1] animadvertit *V*: animaduerterat Ω.
[2] serva sua *VDX*: seruam suam Ω.
[3] sequique se iubebat *Gronov.*: esse sequique se iubebat Ω: sequi iubebat *Vς*: esse sequique seuiebat *DL*.
[4] celebrabatur Ω: celebratur *ORDL*: celebratum *V*.

centurion of rank, was serving on Algidus, a man of exemplary life at home and in the army. His wife had been brought up in the same principles, and his children were being trained in them. He had betrothed his daughter to the former tribune Lucius Icilius, an active man of proven courage in the cause of the plebeians. She was a grown girl, remarkably beautiful, and Appius, crazed with love, attempted to seduce her with money and promises. But finding that her modesty was proof against everything, he resolved on a course of cruel and tyrannical violence. He commissioned Marcus Claudius, his client, to claim the girl as his slave, and not to yield to those who demanded her liberation, thinking that the absence of the maiden's father afforded an opportunity for the wrong. As Verginia was entering the Forum—for there, in booths, were the elementary schools—the minister of the decemvir's lust laid his hand upon her, and calling her the daughter of his bond-woman and herself a slave, commanded her to follow him, and threatened to drag her off by force if she hung back. Terror made the maiden speechless, but the cries of her nurse imploring help of the Quirites quickly brought a crowd about them. The names of Verginius her father and of her betrothed Icilius were known and popular. Their acquaintance were led to support the girl out of regard for them; the crowd was influenced by the shamelessness of the attempt. She was already safe from violence, when the claimant protested that there was no occasion for the people to become excited; he was proceeding lawfully, not by force. He then summoned the girl to court. She was advised by her supporters to B.C. 449

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9 Auctoribus qui aderant ut Sequeretur, Ad tribunal Appi perventum est. Notam iudici fabulam petitor, quippe apud ipsum auctorem argumenti, peragit: puellam domi suae natam furtoque inde in domum
10 Vergini translatam suppositam ei esse; id se indicio compertum adferre probaturumque vel ipso Verginio iudice, ad quem maior pars iniuriae eius pertineat;
11 interim dominum sequi ancillam aequum esse. Advocati puellae, cum Verginium rei publicae causa dixissent abesse, biduo adfuturum si nuntiatum ei
12 sit, iniquum esse absentem de liberis dimicare, postulant ut rem integram in patris adventum differat, lege ab ipso lata vindicias det secundum libertatem, neu patiatur virginem adultam famae prius quam libertatis periculum adire.

XLV. Appius decreto praefatur,[1] quam libertati faverit eam ipsam legem declarare quam Vergini
2 amici postulationi suae praetendant; ceterum ita in ea firmum libertati fore praesidium si nec causis nec personis variet; in aliis [2] enim qui adserantur in

[1] praefatur *F*: praefatus Ω.
[2] in aliis *Karsten*: in iis *R*: in his Ω.

[1] Dion. Hal. (XL. iv.) mentions Icilius and Numitorius as offering to be Verginia's *vindices*, *i. e.* to put in a claim to interim custody of the girl, till the suit determining her status should be decided.

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follow him, and they went before the tribunal of Appius. The plaintiff acted out a comedy familiar to the judge, since it was he and no other who had invented the plot: The girl had been born, said Marcus, in his house, and had thence been stealthily conveyed to the home of Verginius and palmed off upon him as his own; he had good evidence for what he said, and would prove it even though Verginius himself were judge, who was more wronged than he was; meanwhile it was right that the hand-maid should follow her master. The friends of the girl said that Verginius was absent on the service of the state; he would be at hand in two days' time if he were given notice of the matter; it was unjust that a man should be involved in litigation about his children when away from home; they therefore requested Appius to leave the case open until the father arrived, and in accordance with the law he had himself proposed, grant the custody of the girl to the defendants,[1] nor suffer a grown maiden's honour to be jeopardized before her freedom should be adjudicated.

XLV. Appius prefaced his decision by saying that it was evident how much he favoured liberty from that very law which the friends of Verginius made the pretext for their claim; but the law would afford liberty a sure protection only if it varied neither with causes nor with persons; for in the case of others who were claimed as free, the demand was legal, since any one might bring an action: in the case of one who was under the authority of a father there was no one else to whom the master ought to yield the custody; accordingly he decreed that the father should be summoned, and that meanwhile the

libertatem quia quivis lege agere possit, id iuris
esse: in ea quae in patris manu sit neminem esse
3 alium cui dominus possessione cedat. Placere itaque
patrem arcessiri, interea iuris sui iacturam adser-
torem non facere quin ducat puellam sistendamque
in adventum eius qui pater dicatur promittat.
4 Adversus iniuriam decreti cum multi magis fremerent
quam quisquam unus recusare auderet, P. Numitorius,
5 puellae avus,[1] et sponsus Icilius interveniunt; da-
taque inter turbam via, cum multitudo Icili maxime
interventu resisti posse Appio crederet, lictor
decresse ait vociferantemque Icilium submovet.
6 Placidum quoque ingenium tam atrox iniuria ac-
cendisset. "Ferro hinc tibi submovendus sum, Appi"
inquit, "ut tacitum feras quod celari vis. Virginem
ego hanc sum ducturus nuptamque pudicam habi-
7 turus. Proinde omnes collegarum quoque lictores
convoca; expediri virgas et secures iube; non
8 manebit extra domum patris sponsa Icili. Non, si
tribunicium auxilium et provocationem plebi Ro-
manae, duas arces libertatis tuendae, ademistis,
ideo in liberos quoque nostros coniugesque regnum
9 vestrae libidini datum est. Saevite in tergum et in
cervices nostras: pudicitia saltem in tuto sit. Huic
si vis adferetur, ego praesentium Quiritium pro
sponsa, Verginius militum pro unica filia, omnes

[1] avus Ω: auunculus ς (*cf. Dion. Hal.* XI. xxviii. 7).

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[1] Appius argued that Verginia was either the slave of his client or under her father's control, and in neither case free, so that an action for recovering her freedom did not lie, and it was merely a question of title between Verginius and Marcus Claudius.

claimant should not relinquish his right, but should B.C. 449
take the girl in charge and guarantee that she should be produced at the coming of him who was called her father.[1]

Against the injustice of the decree, though many murmured their disapproval, there was not a single man who dared to stand out; when Publius Numitorius, the girl's great-uncle,[2] and her lover Icilius, arrived on the scene. When a path had been opened for them through the throng, since the crowd believed that the intervention of Icilius would be particularly effectual in resisting Appius, the lictor cried that the case had been decided, and as Icilius began to protest, attempted to thrust him aside. Even a placid nature would have been incensed by so violent an insult. "You must use iron to rid yourself of me, Appius," he cried, "that you may carry through in silence what you desire should be concealed. This maiden I am going to wed; and I intend that my bride shall be chaste. So call together all your colleagues' lictors too; bid them make ready rods and axes: the promised wife of Icilius shall not pass the night outside her father's house. No! If you have taken from the Roman plebs the assistance of the tribunes and the right of appeal, two citadels for the defence of liberty, it has not therefore been granted to your lust to lord it over our children and our wives as well! Vent your rage upon our backs and our necks: let our chastity at least be safe. If that shall be assailed, I will call on the Quirites here present to protect my bride, Verginius will

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[2] Some take *avus* literally, as "grandfather." See chap. liv. 11, note.

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deorum hominumque implorabimus fidem, neque tu istud unquam decretum sine caede nostra referes.
10 Postulo, Appi, etiam atque etiam consideres quo
11 progrediare. Verginius viderit de filia ubi venerit quid agat; hoc tantum sciat, sibi si huius vindiciis cesserit condicionem filiae quaerendam esse. Me vindicantem sponsam in libertatem vita citius deseret quam fides."

XLVI. Concitata multitudo erat certamenque instare videbatur. Lictores Icilium circumsteterant; nec ultra minas tamen processum est, cum Appius
2 non Verginiam defendi ab Icilio, sed inquietum hominem et tribunatum etiam nunc spirantem
3 locum seditionis quaerere diceret. Non praebiturum se illi eo die materiam; sed ut iam sciret non id petulantiae suae sed Verginio absenti et patrio nomini et libertati datum, ius eo die se non dicturum neque decretum interpositurum: a M. Claudio petiturum, ut decederet iure suo vindi-
4 carique puellam in posterum diem pateretur; quod nisi pater postero die adfuisset, denuntiare se Icilio similibusque Icili, neque legi suae latorem neque decemviro constantiam defore. Nec se utique collegarum lictores convocaturum ad coercendos seditionis auctores: contentum se suis lictoribus fore.
5 Cum dilatum tempus iniuriae esset secessissentque

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invoke the help of the soldiers in behalf of his only daughter, and all of us will implore the protection of gods and men; nor shall you ever repeat that decree of yours without shedding our blood. I ask you, Appius, to consider earnestly whither you are going. Let Verginius decide what to do about his daughter, when he comes; but of one thing he may rest assured: if he yields to this man's claim, he will have to seek a husband for her. As for me, in defence of the freedom of my bride I will sooner die than prove disloyal."

XLVI. The crowd was deeply moved and a conflict appeared to be imminent. The lictors had surrounded Icilius, but had nevertheless gone no further than to threaten him, since Appius declared that it was not a question of Verginia's defence by Icilius, but of a turbulent fellow, who even now breathed the spirit of the tribunate, seeking an opportunity to stir up strife. He would furnish him no excuse for it that day; but that he might know now that the concession had not been made to his own wantonness but to the absent Verginius, to the name of father, and to liberty, he would not pronounce judgment that day nor deliver a decision; he would request Marcus Claudius to waive his right and suffer the girl to remain at large until the morrow; but unless the father should appear the next day, he gave notice to Icilius and to those like Icilius that the proposer of his law would not fail to support it, nor the decemvir be wanting in firmness; and in any case he should not call together his colleagues' lictors to repress the instigators of sedition, but rest content with his own.

The time for accomplishing the wrong having

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advocati puellae, placuit omnium primum fratrem
Icili filiumque Numitori, impigros iuvenes, pergere
inde recta ad portam, et quantum adcelerari posset
6 Verginium acciri e castris: in eo verti puellae
salutem, si postero die vindex iniuriae ad tempus
praesto esset. Iussi pergunt citatisque equis nun-
7 tium ad patrem perferunt. Cum instaret adsertor
puellae ut vindicaret sponsoresque daret, atque id
ipsum agi diceret Icilius, sedulo tempus terens dum
praeciperent iter nuntii[1] missi in castra, manus
tollere undique multitudo et se quisque paratum
8 ad spondendum Icilio ostendere. Atque ille lacrima-
bundus "Gratum est" inquit; "crastina die vestra
opera utar; sponsorum nunc satis est." Ita vindi-
9 catur Verginia spondentibus propinquis. Appius
paulisper moratus ne eius rei causa sedisse videretur,
postquam omissis rebus aliis prae cura unius nemo
adibat, domum se recepit collegisque in castra scribit,
ne Verginio commeatum dent atque etiam in cu-
10 stodia habeant. Improbum consilium serum, ut
debuit, fuit, et iam commeatu sumpto profectus
Verginius prima vigilia erat, cum postero die mane
de retinendo eo nequiquam litterae redduntur.

XLVII. At in urbe prima luce cum civitas in foro

[1] iter nuntii *Vorm?D*^{4}*ς*: internuntii Ω.

been postponed, the girl's supporters went apart by themselves, and decided that first of all the brother of Icilius and the son of Numitorius, active young men, should proceed straight to the City gate and make all possible haste to the camp, to summon Verginius; for the maiden's safety turned on her protector's being at hand in time. They set out the moment they got their orders, and galloping their horses, carried the message through to the father. When the claimant of the girl pressed Icilius to furnish the sureties required of her guarantor, and Icilius said that it was precisely that which he was considering (though he was doing his best to consume time, that the messengers who had been dispatched to the camp might get a start on the way), the people began on every side to raise their hands, and every man of them to indicate his readiness to go bail for Icilius. And Icilius said, with tears in his eyes, "I am grateful to you; to-morrow I will use your services; of sureties I now have enough." So Verginia was surrendered, on the security of her kinsmen. Appius waited a little while, that he might not appear to have sat for this case only, and when nobody applied to him—for all other matters were forgotten in men's concern over this,—he went to his house and wrote to his colleagues in camp that they should grant no furlough to Verginius, and should even detain him in custody. His base design was too late, as it deserved to be; Verginius had already got his leave, and had set out in the fore-part of the night, nor was it until early the next morning that the letters for detaining him were delivered, to no purpose. B.C. 449

XLVII. But in the City, as the citizens at break

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exspectatione erecta staret, Verginius sordidatus filiam secum obsoleta veste comitantibus aliquot matronis cum ingenti advocatione in forum deducit.
2 Circumire ibi et prensare homines coepit et non orare solum precariam opem, sed pro debita petere: Se pro liberis eorum ac coniugibus cottidie in acie stare, nec alium virum esse cuius strenue ac fortiter[1] facta in bello plura memorari possent; quid prodesse si, incolumi urbe, quae capta ultima timeantur liberis
3 suis sint patienda? Haec prope contionabundus circumibat homines. Similia his ab Icilio iacta-
4 bantur. Comitatus muliebris plus tacito fletu quam ulla vox movebat. Adversus quae omnia obstinato animo Appius—tanta vis amentiae verius quam amoris mentem turbaverat—in tribunal escendit,[2] et ultro querente pauca petitore quod ius sibi[3] pridie per ambitionem dictum non esset, priusquam aut ille postulatum perageret aut Verginio respondendi
5 daretur locus, Appius interfatur. Quem decreto sermonem praetenderit, forsan aliquem verum auctores antiqui tradiderint: quia nusquam ullum in tanta foeditate decreti veri similem invenio, id quod constat nudum videtur proponendum, decresse

[1] fortiter *Doujat*: ferociter Ω.
[2] escendit *MP*: ascendit Ω.
[3] ius sibi *D*⁴ς: sibi Ω.

of day were standing in the Forum, agog with expectation, Verginius, dressed in sordid clothes and leading his daughter, who was also meanly clad and was attended by a number of matrons, came down into the market-place with a vast throng of supporters. He then began to go about and canvass people, and not merely to ask their aid as a favour, but to claim it as his due, saying that he stood daily in the battle-line in defence of their children and their wives; that there was no man of whom more strenuous and courageous deeds in war could be related—to what end, if despite the safety of the City those outrages which were dreaded as the worst that could follow a city's capture must be suffered by their children? Pleading thus, as if in a kind of public appeal, he went about amongst the people. Similar appeals were thrown out by Icilius; but the women who attended them were more moving, as they wept in silence, than any words. In the face of all these things Appius hardened his heart—so violent was the madness, as it may more truly be called than love, that had overthrown his reason—and mounted the tribunal. The plaintiff was actually uttering a few words of complaint, on the score of having been balked of his rights the day before through partiality, when, before he could finish his demand, or Verginius be given an opportunity to answer, Appius interrupted him. The discourse with which he led up to his decree may perhaps be truthfully represented in some one of the old accounts, but since I can nowhere discover one that is plausible, in view of the enormity of the decision, it seems my duty to set forth the naked fact, upon which all agree, that B.C. 449

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6 vindicias secundum servitutem. Primo stupor omnes
admiratione rei tam atrocis defixit; silentium inde ali-
quamdiu tenuit. Dein cum M. Claudius circumstantibus
matronis iret ad prehendendam virginem, lamenta-
bilisque eum mulierum comploratio excepisset, Ver-
7 ginius intentans in Appium manus, "Icilio" inquit,
"Appi, non tibi filiam despondi et ad nuptias, non
ad stuprum educavi. Placet pecudum ferarumque ritu
promisce in concubitus ruere? Passurine haec isti sint,
nescio: non spero esse passuros illos, qui arma habent."
8 Cum repelleretur adsertor virginis a globo
mulierum circumstantiumque advocatorum, silent-
ium factum per praeconem. XLVIII. Decemvir
alienatus ad libidinem animo negat ex hes-
terno[1] tantum convicio Icili violentiaque Vergini,
cuius testem populum Romanum habeat, sed certis
quoque indiciis compertum se habere nocte tota
coetus in urbe factos esse ad movendam seditionem.
2 Itaque se haud inscium eius dimicationis cum armatis
descendisse, non ut quemquam quietum violaret, sed
ut turbantes civitatis otium pro maiestate imperii
3 coerceret. "Proinde quiesse erit melius. I," inquit,[2]
"lictor, submove turbam et da viam domino ad

[1] ex hesterno *Vorm.*? ex haesterno *M*: ex sterno *P*: esterno *U*: hesterno *F³OD⁴*: externo *BHRDL*.

[2] i, inquit *R²D²*, : ii inquit *RDL*: inquit (inquid *B*) Ω.

he adjudged Verginia to him who claimed her as his slave. At first everybody was rooted to the spot in amazement at so outrageous a proceeding, and for a little while after the silence was unbroken. Then, when Marcus Claudius was making his way through the group of matrons to lay hold upon the girl, and had been greeted by the women with wails and lamentations, Verginius shook his fist at Appius and cried, "It was to Icilius, Appius, not to you that I betrothed my daughter; and it was for wedlock, not dishonour, that I brought her up. Would you have men imitate the beasts of the field and the forest in promiscuous gratification of their lust? Whether these people propose to tolerate such conduct I do not know: I cannot believe that those who have arms will endure it." B.C. 449

The claimant of the maiden was being forced back by the ring of women and supporters who surrounded her, when silence was commanded by a herald; (XLVIII.) and the decemvir, crazed with lust, declared that he knew, not only from the abusive words uttered by Icilius the day before and the violence of Verginius, which he could prove by the testimony of the Roman People, but also from definite information, that all through the night meetings had been held in the City to promote sedition. Accordingly, having been aware of the approaching struggle, he had come down into the Forum with armed men, not that he might do violence to any peaceable citizen, but to coerce, conformably to the dignity of his office, those who would disturb the nation's peace. "You will therefore," he cried, "best be quiet! Go, lictor, remove the mob and open a way for the master

A.U.C. 305 prehendendum mancipium." Cum haec intonuisset plenus irae, multitudo ipsa se sua sponte dimovit
4 desertaque praeda iniuriae puella stabat. Tum Verginius ubi nihil usquam auxilii vidit, "Quaeso" inquit, "Appi, primum ignosce patrio dolori, si quo[1] inclementius in te sum invectus; deinde sinas hic coram virgine nutricem percontari quid hoc rei sit, ut si falso pater dictus sum aequiore hinc animo
5 discedam." Data venia seducit filiam ac nutricem prope Cloacinae ad tabernas quibus nunc novis est nomen atque ibi ab lanio cultro arrepto, "Hoc te uno quo possum" ait "modo, filia, in libertatem vindico." Pectus deinde puellae transfigit respectansque ad tribunal "Te" inquit, "Appi, tuumque caput sanguine
6 hoc consecro." Clamore ad tam atrox facinus orto excitus Appius comprehendi Verginium iubet. Ille ferro quacumque ibat viam facere, donec multitudine etiam prosequentium tuente ad portam perrexit.
7 Icilius Numitoriusque exsangue corpus sublatum ostentant populo; scelus Appi, puellae infelicem
8 formam, necessitatem patris deplorant. Sequentes clamitant matronae: eamne liberorum procreandorum condicionem, ea pudicitiae praemia esse?—cetera quae in tali re muliebris dolor, quo est maestior imbecillo animo, eo miserabilia magis querentibus

[1] si quo *Weissenborn* (*cf.* IV. i. 5): si quod (qđ *H*) Ω: si quot *RDL*: si quid ς: si *Alschefski*.

to seize his slave!" When he had wrathfully thundered out these words, the crowd parted spontaneously and left the girl standing there, a prey to villainy. Then Verginius, seeing no help anywhere, said, "I ask you, Appius, first to pardon a father's grief if I have somewhat harshly inveighed against you; and then to suffer me to question the nurse here, in the maiden's presence, what all this means, that if I have been falsely called a father, I may go away with a less troubled spirit." Permission being granted, he led his daughter and the nurse apart, to the booths near the shrine of Cloacina, now known as the "New Booths," and there, snatching a knife from a butcher, he exclaimed, "Thus, my daughter, in the only way I can, do I assert your freedom!" He then stabbed her to the heart, and, looking back to the tribunal, cried, "'Tis you, Appius, and your life I devote to destruction with this blood!" The shout which broke forth at the dreadful deed roused Appius, and he ordered Verginius to be seized. But Verginius made a passage for himself with his knife wherever he came, and was also protected by a crowd of men who attached themselves to him, and so reached the City gate. Icilius and Numitorius lifted up the lifeless body and showed it to the people, bewailing the crime of Appius, the girl's unhappy beauty, and the necessity that had constrained her father. After them came the matrons crying aloud, "Was it on these terms that children were brought into the world? Were these the rewards of chastity?"—with such other complaints as are prompted at a time like this by a woman's anguish, and are so much the more pitiful as their lack of self-control B.C. 449

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9 subicit. Virorum et maxime Icili vox tota tribuniciae
potestatis ac provocationis ad populum ereptae
publicarumque indignationum erat.

XLIX. Concitatur multitudo partim atrocitate
sceleris, partim spe per occasionem repetendae
2 libertatis. Appius nunc vocari Icilium, nunc re-
tractantem arripi, postremo, cum locus adeundi
apparitoribus non daretur, ipse cum agmine patrici-
orum iuvenum per turbam vadens in vincula duci
3 iubet. Iam circa Icilium non solum multitudo sed
duces quoque multitudinis erant, L. Valerius et M.
Horatius, qui repulso lictore, si iure ageret, vindicare
se a privato Icilium aiebant; si vim adferre con-
4 aretur, ibi quoque haud [1] impares fore. Hinc atrox
rixa oritur. Valerium Horatiumque lictor decemviri
invadit: franguntur a multitudine fasces. In
contionem Appius escendit:[2] sequuntur Horatius
Valeriusque. Eos contio audit: decemviro ob-
5 strepitur. Iam pro imperio Valerius discedere a
privato lictores iubebat, cum fractis animis Appius
vitae metuens in domum se propinquam foro insciis
6 adversariis capite obvoluto recipit. Sp. Oppius, ut
auxilio collegae esset, in forum ex altera parte

[1] haud *V?Mς*: se haud Ω
[2] escendit *PM²*: aescendit *M*: ascendit Ω.

[1] Livy doubtless means the crime of Appius rather than the justifiable though shocking deed of Verginius (see chap. xlviii. § 7, and chap. l. § 5).

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makes them the more give way to grief. The men, and especially Icilius, spoke only of the tribunician power; of the right of appeal to the people which had been taken from them; and of their resentment at the nation's wrongs.

XLIX. The wildest excitement prevailed amongst the people, occasioned in part by the atrocity of the crime,[1] in part by the hope of improving the opportunity to regain their liberty. Appius first commanded that Icilius be summoned; then, on his resisting, that he be arrested; and at last, when the crowd would not allow his attendants to approach the man, he headed a band of patrician youths in person, and advancing through the mob, bade them drag his enemy off to prison. By this time Icilius was supported not only by the populace but by the leaders of the populace as well, Lucius Valerius and Marcus Horatius, who, forcing the lictor back, declared that if Appius proceeded legally, they would protect Icilius from the prosecution of a mere citizen; if he sought to make use of violence, there too they would be a match for him. This led to a desperate struggle. The decemvir's lictor now made a rush at Valerius and Horatius; his rods were broken by the mob. Appius mounted the platform; Horatius and Valerius followed him. To them the crowd listened; the decemvir's voice they drowned with noise. And now, as though vested with authority, Valerius was commanding the lictors to withdraw from one who was a private citizen; when Appius, broken in spirit and fearing for his life, covered up his head and sought refuge in a house near the Forum, unobserved by his opponents. Spurius Oppius, wishing to assist his colleague, burst into the Forum from the other

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inrumpit. Videt imperium vi victum. Agitatus
deinde consiliis ad quae[1] ex omni parte adsentiendo
multis auctoribus trepidaverat, senatum postremo
7 vocari iussit. Ea res, quod magnae parti patrum
displicere acta decemvirorum videbantur, spe per
senatum finiendae potestatis eius multitudinem se-
8 davit. Senatus nec plebem inritandam censuit et
multo magis providendum ne quid Verginii adventus
in exercitu motus faceret.

L. Itaque missi iuniores patrum in castra, quae
tum in monte Vecilio erant, nuntiant decemviris
2 ut omni ope ab seditione milites contineant. Ibi
Verginius maiorem quam reliquerat in urbe motum
3 excivit. Nam praeterquam quod agmine prope
quadringentorum hominum veniens, qui ab urbe
indignitate rei accensi comites ei se dederant, con-
spectus est, strictum etiam telum respersusque ipse
cruore tota in se castra convertit. Et togae multi-
fariam in castris visae maioris aliquanto quam erat
4 speciem urbanae multitudinis fecerant. Quaeren-
tibus quid rei esset flens diu vocem non misit;
tandem, ut iam ex trepidatione concurrentium turba
constitit ac silentium fuit, ordine cuncta, ut gesta
5 erant, exposuit. Supinas deinde tendens manus

[1] ad quae *Stroth* : atque Ω.

quarter. He saw that authority had been overcome by force. Distracted then by the suggestions which came from every side, and timidly agreeing first with one and then with another of his many advisers, he ended by ordering the senate to be summoned. This course, inasmuch as a great proportion of the patricians appeared to disapprove of the decemvirs' acts, afforded hopes that the senators would end their power, and so quieted the multitude. The senate decided that the plebs must not be provoked, and that it was even more necessary to see to it that the arrival of Verginius in the army should not occasion any turbulence. B.C. 449

L. Accordingly certain of the younger senators were dispatched to the camp, which was then on Mount Vecilius, and carried word to the decemvirs that they must employ all their resources to keep the troops from mutiny. There Verginius aroused a greater commotion than he had left in Rome. For besides that he was seen approaching attended by a body of nearly four hundred men, who had joined him when he left the City, in their anger and resentment at the affair, the weapon in his hand and the gore with which he was spattered drew the attention of the entire camp upon him. Then too the appearance of togas in the camp, in many places, produced the effect of a greater company of civilians than were actually there. Being asked what the matter was, Verginius wept, and for a long time answered never a word; at length, when the bustle and confusion of the gathering had subsided and silence had ensued, he gave an orderly account of all that had taken place. Then, lifting up his hands in an attitude of prayer, and addressing the

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commilitones appellans orabat ne quod scelus Ap.
Claudi esset sibi attribuerent neu se ut parricidam
6 liberum aversarentur. Sibi vitam filiae sua[1] cariorem
fuisse, si liberae ac pudicae[2] vivere licitum fuisset:
cum velut servam ad stuprum rapi videret, morte
amitti melius ratum quam contumelia liberos, miseri-
7 cordia se in speciem crudelitatis lapsum. Nec se
superstitem filiae futurum fuisse, nisi spem ulcis-
cendae mortis eius in auxilio commilitonum habuisset.
Illis quoque enim filias sorores coniugesque esse, nec
cum filia sua libidinem Ap. Claudi exstinctam esse,
8 sed quo impunitior sit, eo effrenatiorem fore. Aliena
calamitate documentum datum illis cavendae similis
iniuriae. Quod ad se attineat, uxorem sibi fato
ereptam, filiam, quia non ultra pudica victura fuerit,
9 miseram sed honestam mortem occubuisse; non esse
iam Appi libidini locum in domo sua: ab alia vio-
lentia eius eodem se animo suum corpus vindicaturum
quo vindicaverit filiae: ceteri sibi ac liberis suis
10 consulerent. Haec Verginio vociferanti succlamabat
multitudo nec illius dolori nec suae libertati se
defuturos. Et immixti turbae militum togati, eadem[3]
illa querendo docendoque quanto visa quam audita
indigniora potuerint videri, simul profligatam iam

[1] sua ς: suae Ω.
[2] liberae ac pudicae ς: libere ac pudicae *F*ς: libere ac pudice Ω.
[3] eadem ς: cum eadem Ω: simul eadem Zingerle.

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crowd as his fellow-soldiers, he besought them not to attribute to him the crime of which Appius Claudius stood guilty, nor to repudiate him as one who had murdered his child. To him the life of his daughter had been dearer than his own, if she had been permitted to live pure and chaste; when he saw her being carried off like a slave to be dishonoured, thinking it better to lose his children by death than by outrage, he had been impelled by pity to an act of seeming cruelty; nor would he have survived his daughter, had he not hoped to avenge her death by the help of his fellow-soldiers. They too had daughters, sisters, and wives; the lust of Appius Claudius had not been extinguished with the life of Verginia, but its lawlessness would be proportioned to its impunity. In the calamity of another they had been given a warning to be on their guard against similar wrongs. So far as he was concerned, his wife had been taken from him in the course of nature, his daughter, because she could no longer have lived chaste, had died a pitiful but an honourable death; for the lust of Appius there was now no longer in his house any scope; from other forms which his violence might take he would defend his own person with no less spirit than he had shown in defence of his daughter; the others must look out for themselves and for their own children. As Verginius spoke these words in a loud voice, the multitude signified with responsive shouts that they would not forget his sufferings nor fail to vindicate their liberty. And the civilians, mingling with the crowd, repeated the same complaints and told them how much more shameful the thing would have appeared if they could have seen it instead of

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11 rem nuntiando Romae esse, insecutis[1] qui Appium prope interemptum in exsilium abisse dicerent, perpulerunt ut ad arma conclamaretur vellerentque
12 signa et Romam proficiscerentur. Decemviri simul iis quae videbant iisque quae acta Romae audierant perturbati, alius in aliam partem castrorum ad sedandos motus discurrunt. Et leniter[2] agentibus responsum non redditur: imperium si quis inhiberet,
13 et viros et armatos se esse respondetur. Eunt agmine ad urbem et Aventinum insidunt, ut quisque occurrerat plebem ad repetendam libertatem creandosque
14 tribunos plebis adhortantes. Alia vox nulla violenta audita est. Senatum Sp. Oppius habet. Nihil placet aspere agi; quippe ab ipsis datum locum seditioni[3]
15 esse. Mittuntur tres legati consulares, Sp. Tarpeius C. Iulius P. Sulpicius, qui quaererent senatus verbis, cuius iussu castra deseruissent aut quid sibi vellent qui armati Aventinum obsedissent belloque averso ab
16 hostibus patriam suam cepissent. Non defuit quod responderetur: deerat qui daret responsum nullodum certo duce nec satis audentibus singulis invidiae se offerre. Id modo a multitudine conclamatum est ut L. Valerium et M. Horatium ad se mitterent: his[4] se daturos responsum.

[1] insecutis *Walters* (*after Alschefski*): insecutosque Ω: insecutique ς.
[2] Et leniter ς: et leuiter Ω: Sed leniter *Madvig*.
[3] seditioni *V* Glareanus: seditionis Ω.
[4] his *MHRDL*: iis *PFBO*.

[1] Viz. by the senate and decemvirs.

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hearing about it; at the same time they reported that the decemvirate was already overthrown at Rome; and on the arrival of later tidings, to the effect that Appius had almost lost his life and had gone into exile, they induced the troops to raise the cry "To arms!" and to pluck up their standards and set out for Rome. The decemvirs, troubled alike by what they saw and by what they heard had taken place in Rome, rushed through the camp, one this way, another that, to still the rising. And so long as they mildly remonstrated, they got no answer; but if one of them tried to use his authority, they told him that they were men, and armed. They marched in column to the City and took possession of the Aventine, urging the plebeians, as often as they fell in with one, to make an effort to regain their liberty and to elect plebeian tribunes. Save this, no violent proposals were heard. The senate was convened by Spurius Oppius. It was resolved that no harsh action should be taken, seeing that occasion for the mutiny had been given by themselves.[1] Three delegates of consular rank, Spurius Tarpeius, Gaius Julius, and Publius Sulpicius, were dispatched in the name of the senate to inquire by whose orders the men had deserted the camp, and what they meant, who with arms had seized the Aventine, and, abandoning the enemy, had captured their native City. The men were at no loss for an answer: what they lacked was some one to make it, since they had as yet no definite leader, nor did individuals quite dare to single themselves out for enmity. But the crowd called out in unison that they should send them Lucius Valerius and Marcus Horatius, to whom they would intrust their reply.

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LI. Dimissis legatis admonet milites Verginius in
re non maxima paulo ante trepidatum esse quia sine
capite multitudo fuerit, responsumque quamquam
non inutiliter, fortuito tamen magis consensu quam
2 communi consilio esse. Placere decem creari qui
summae rei[1] praeessent militarique honore tribunos
3 militum appellari.[2] Cum ad eum ipsum primum is
honos deferretur, "Melioribus meis vestrisque rebus
4 reservate" inquit "ista de me iudicia; nec mihi
filia inulta[3] honorem ullum iucundum esse patitur,
nec in perturbata re publica eos utile est praeesse
5 vobis qui proximi invidiae sint. Si quis usus mei
6 est, nihilo minor ex privato capietur." Ita decem
numero tribunos militares creant.

7 Neque in Sabinis quievit exercitus. Ibi quoque
auctore Icilio Numitorioque secessio ab decemviris
facta est, non minore motu animorum Sicci caedis
memoria renovata quam quem nova fama de virgine
8 adeo foede ad libidinem petita accenderat. Icilius
ubi audivit tribunos militum in Aventino creatos, ne
comitiorum militarium praerogativam urbana comitia
9 iisdem tribunis plebis creandis sequerentur, peritus
rerum popularium imminensque ei[4] potestati et ipse,

[1] rei ς: ..i *V*: reip̄ (*i.e.* rei publicae) Ω.
[2] appellari ς: appellare (*wanting in V*) Ω.
[3] inulta *V*: inuita Ω.
[4] imminensque ei *Rhenanus*: imminensque (inm -*B*) et Ω: imminensque *OH*.

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[1] *Comitia* is here used untechnically of the extemporized election called by Verginius.

LI. After the delegates had been dismissed, Verginius reminded the soldiers that they had been thrown into confusion a few minutes before, over a matter of no very great importance, because the multitude had been without a head; and although a very good answer had been returned, yet this had been due rather to their happening to feel alike about the matter than to a concerted plan. He recommended that ten men should be chosen to have supreme command, and that they should be styled, by a military title, tribunes of the soldiers. When they would have tendered Verginius himself the first appointment to this office, he replied, "Reserve your good opinion of me till my own affairs and yours are in a better plight; to me no honour can be agreeable while my daughter is unavenged; nor is it well for you, with the state in such confusion, to be led by those who are most exposed to hatred. If I can render any service, it shall not be less because I am a private citizen." So they chose ten military tribunes. B.C. 449

Nor was the army in the Sabine country inactive. There too, at the instigation of Icilius and Numitorius, a secession from the decemvirate was brought about; men's anger on being reminded of the murder of Siccius being no less violent than that which was kindled in them by the new story of the maiden whose dishonour had been so foully sought. Icilius, on hearing that military tribunes had been elected on the Aventine, feared lest the City comitia might take their cue from the comitia of the soldiers[1] and elect the same men to be tribunes of the plebs, for he was experienced in the ways of the people; and having designs upon that office himself,

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priusquam iretur ad urbem, pari potestate eundem
10 numerum ab suis creandum curat. Porta Collina
urbem intravere sub signis, mediaque urbe agmine
in Aventinum pergunt. Ibi coniuncti alteri exercitui
viginti tribunis militum negotium dederunt ut ex
suo numero duos crearent qui summae rerum prae-
essent. M. Oppium Sex. Manilium creant.
11 Patres solliciti de summa rerum cum senatus
cottidie esset iurgiis saepius terunt tempus quam
12 consiliis. Sicci caedes decemviris et Appiana libido
et dedecora militiae obiciebantur. Placebat Valerium
Horatiumque ire in Aventinum. Illi negabant se
aliter ituros quam si decemviri deponerent insignia
13 magistratus eius quo anno iam ante abissent. Decem-
viri querentes se in ordinem cogi non ante quam
perlatis legibus quarum causa creati essent deposi-
turos imperium se aiebant.

LII. Per M. Duillium,[1] qui tribunus plebis fuerat,
certior facta plebs contentionibus adsiduis nihil
transigi, in Sacrum montem ex Aventino transit
2 adfirmante Duillio[2] non prius quam deseri urbem
videant curam in animos patrum descensuram; ad-
moniturum Sacrum montem constantiae plebis,
sciturosque sine restituta potestate tribunicia[3] redigi

[1] Duillium $F^3\varsigma$: duilium Ω: diluluum *B*: diluiuum B^1.

[2] Duillio $F^3O\varsigma$: duellio *Vorm*: duilio *PUR*: c. duilio *MF?BHDL*.

[3] tribunicia *inserted by Gronovius*.

he saw to it, before they marched to the City, that B.C. 449 the same number of men, vested with equal power, were chosen by his own army. They entered Rome under their standards, by the Colline Gate, and marched right through the midst of the City to the Aventine. There they joined the other army, and directed the twenty military tribunes to appoint two of their number to exercise supreme command. Marcus Oppius and Sextus Manilius were appointed.

The Fathers were alarmed about the state; but, though the senate held daily sessions, they spent more time in recriminations than in deliberating. Siccius's murder was cast in the teeth of the decemvirs, as well as the lust of Appius, and their disgraces in the field. It was decided that Valerius and Horatius should go to the Aventine. They agreed to go only on condition that the decemvirs would put off the insignia of that magistracy which they had already ceased to hold the year before. The decemvirs, complaining that they were being deprived of their office, asserted that they would not lay down their authority until after the enactment of the laws which had been the reason of their appointment.

LII. Having learned from Marcus Duillius, who had been a plebeian tribune, that nothing was coming of the endless bickerings of the senate, the commons quitted the Aventine for the Sacred Mount, since Duillius assured them that not until the patricians beheld the City deserted would they feel any real concern; the Sacred Mount would remind them of the firmness of the plebs, and they would know whether it were possible or not that affairs should be reduced to harmony without the

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3 in concordiam resne queant.[1] Via Nomentana, cui
tum Ficolensi[2] nomen fuit, profecti castra in monte
Sacro locavere modestiam patrum suorum nihil vio-
lando imitati. Secuta exercitum plebs nullo qui per
4 aetatem ire posset retractante. Prosequuntur con-
iuges liberique, cuinam se relinquerent in ea urbe
in qua nec pudicitia nec libertas sancta esset mise-
rabiliter rogitantes.

5 Cum vasta Romae omnia insueta solitudo fecisset,
in foro praeter paucos seniorum nemo esset, vocatis
utique in senatum patribus desertum apparuisset
forum, plures[3] iam quam Horatius ac Valerius
6 vociferabantur: "Quid exspectabitis, patres con-
scripti? Si decemviri finem pertinaciae non faciunt,
ruere ac deflagrare omnia passuri estis? Quod autem
istud imperium est, decemviri, quod amplexi te-
7 netis? Tectis ac parietibus iura dicturi estis? Non
pudet lictorum vestrorum maiorem prope numerum
in foro conspici quam togatorum aliorum?[4] Quid si
hostes ad urbem veniant facturi estis? Quid si plebs
mox, ubi parum secessione moveamur, armata veniat?
8 Occasune urbis voltis finire imperium? Atqui aut
plebs non est habenda aut habendi sunt tribuni
plebis. Nos citius caruerimus patriciis magistratibus
9 quam illi plebeiis. Novam inexpertamque eam po-
testatem eripuere patribus nostris; ne nunc dulce-

[1] resne queant *Harant*: res nequeant Ω.
[2] Ficolensi *O*: ficulensi ς (*cf.* I. xxxviii. 4): figulensi Ω: figulensi figulensi *M*: fingulensi *R*.
[3] plures ς: pluresque Ω.
[4] aliorum ς: aliorumque Ω.

restoration of the tribunician power. Marching out by the Via Nomentana, then called Ficulensis, they pitched their camp on the Sacred Mount, having imitated the good behaviour of their fathers and made no depredations. Following the army came the plebeian civilians; nor did any one who was of an age to go hold back. They were attended a little way forth by their wives and children, who inquired pathetically to whose protection they were leaving them, in that City where neither chastity nor liberty was sacred. B.C. 449

Now that all Rome was desolate with an unwonted loneliness, and there was nobody in the Forum but a few old men, and it appeared, particularly when the Fathers had been summoned to the senate-house, quite deserted, there were many others besides Horatius and Valerius who remonstrated. "What will you wait for, Conscript Fathers?" they cried out. "If the decemvirs persist in their obstinacy, will you suffer everything to go to wrack and ruin? Pray what is that authority, decemvirs, to which you cling with such tenacity? Is it to roofs and walls you will render judgment? Are you not ashamed that your lictors should be seen in the Forum in almost larger numbers than the other citizens? What do you mean to do if the enemy should come to the City? What if, by and bye, the plebs, finding us unmoved by their secession, come with sword in hand? Do you wish the downfall of the City to be the end of your rule? And yet, either we must have no plebs, or we must have plebeian tribunes. We will sooner dispense with patrician magistrates than they with plebeian. It was a new and untried power when they extorted it from our fathers: now

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dine semel capti ferant desiderium, cum praesertim nec nos temperemus imperiis, quo minus illi auxilii
10 egeant." Cum haec ex omni parte iactarentur, victi consensu decemviri futuros se, quando ita videatur,
11 in potestate patrum adfirmant. Id modo simul orant ac monent, ut ipsis ab invidia caveatur nec suo sanguine ad supplicia patrum plebem adsuefaciant.

LIII. Tum Valerius Horatiusque missi ad plebem condicionibus quibus videretur revocandam componendasque res, decemviris quoque ab ira et impetu
2 multitudinis praecavere iubentur. Profecti gaudio ingenti plebis in castra accipiuntur, quippe liberatores haud dubie et motus initio et exitu rei. Ob haec
3 iis[1] advenientibus gratiae actae; Icilius pro multitudine verba facit. Idem, cum de condicionibus ageretur, quaerentibus legatis quae postulata plebis essent, composito iam ante adventum legatorum consilio ea postulavit ut appareret in aequitate rerum
4 plus quam in armis reponi spei. Potestatem enim tribuniciam provocationemque repetebant, quae ante decemviros creatos auxilia plebis fuerant, et ne cui fraudi esset concisse milites aut plebem ad repe-

[1] haec iis ς: haec his Ω: haec *RDL*.

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that they have once been captivated by its charm, they would be even less willing to forgo it, especially when we on our side do not so temper the exercise of our authority that they stand in no need of help." As these reproaches were flung at them from every quarter, the decemvirs were overborne by the consensus of opinion and gave assurances that they would submit, since it was thought best, to the authority of the senate. They had but this one request to make—which was also a warning,—that their persons might be protected from men's hate, and that their blood might not be the means of accustoming the plebs to punish senators.

LIII. Valerius and Horatius were then sent to bring back the plebs and adjust all differences, on such terms as might seem good to them; and they were also instructed to secure the decemvirs against the anger and violence of the people. Having proceeded to the camp, they were received with great rejoicings by the plebs, as undoubted champions of liberty both in the beginning of the disturbance and in the sequel. In recognition of this they were thanked on their arrival, Icilius speaking on behalf of the multitude. And it was Icilius too who, when terms were discussed and the commissioners inquired what the plebeians demanded, made such requests, in pursuance of an understanding already reached before the arrival of the envoys, that it was apparent they based their hope more on equity than on arms. For the recovery of the tribunician power and the appeal were the things they sought—things which had been the help of the plebs before the election of decemvirs;—and that it should not be held against any man that he had incited the soldiers or the people

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5 tendam per secessionem libertatem. De decemvi-
rorum modo supplicio atrox postulatum fuit; dedi
quippe eos aequum censebant vivosque igni concre-
6 maturos minabantur. Legati ad ea: "Quae consilii
fuerunt adeo aequa postulastis ut ultro vobis de-
ferenda fuerint; libertati enim ea praesidia petitis,
7 non licentiae ad impugnandos alios. Irae vestrae
magis ignoscendum quam indulgendum est, quippe
qui crudelitatis odio in crudelitatem ruitis et prius
paene quam ipsi liberi sitis dominari iam in adver-
8 sarios voltis. Numquamne quiescet[1] civitas nostra
a suppliciis aut patrum in plebem Romanam aut
9 plebis in patres? Scuto vobis magis quam gladio
opus est. Satis superque humili[2] est, qui iure aequo
in civitate vivit nec inferendo iniuriam nec patiendo.
10 Etiam si quando metuendos vos praebituri estis, cum
reciperatis magistratibus legibusque vestris iudicia
penes vos erunt de capite nostro fortunisque, tunc ut
quaeque causa erit statuetis: nunc libertatem repeti
satis est."

LIV. Facerent ut vellent permittentibus cunctis
mox redituros se legati rebus perfectis adfirmant.
2 Profecti cum mandata plebis patribus exposuissent,
alii decemviri, quando quidem praeter spem ip-
sorum supplicii sui nulla mentio fieret, haud quicquam

[1] quiescet *R^2ς*: quiesctt *M*: quiescit Ω.
[2] humili *PD*?: humilis Ω.

to recover their liberties by secession. Only in regard to the punishment of the decemvirs was their demand a harsh one; for they thought it just that the decemvirs should be delivered up to them, and threatened to burn them alive. To these proposals the commissioners replied: "The demands which have been prompted by your judgment are so right that they ought to have been accorded you voluntarily; for you seek in them guarantees of liberty, not of a licence to make attacks on others. But your anger calls for pardon rather than indulgence, seeing that hatred of cruelty is driving you headlong into cruelty, and almost before you are free yourselves you are wishing to lord it over your adversaries. Will the time never come when our state shall rest from punishments visited either by the patricians on the Roman plebs or by the plebs on the patricians? A shield is what you need more than a sword. It is enough and more than enough for a lowly citizen when he lives in the enjoyment of equal rights in the state, neither inflicting an injury nor receiving one. Even if you are one day to make yourselves dreaded, when you have got back your magistrates and laws and possess authority to put us on trial for our lives and fortunes, you shall then give judgment in accord with the merits of each particular case: for the present it is enough to regain your liberty." B.C. 449

LIV. When the people all consented that they should do as they saw fit, the envoys assured them that they would settle matters and presently return. So they departed and explained to the Fathers the demands of the plebs. The other decemvirs, when they found that, contrary to their expectation, no mention was made of any punishment of themselves,

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3 abnuere: Appius truci ingenio et invidia praecipua odium in se aliorum suo in eos metiens odio, "Haud
4 ignaro" inquit "imminet fortuna. Video donec arma adversariis tradantur differri adversus nos certamen. Dandus invidiae est sanguis. Nihil ne ego quidem moror quo minus decemviratu abeam."
5 Factum senatus consultum ut decemviri se primo quoque tempore magistratu abdicarent, Q. Furius pontifex maximus tribunos plebis crearet, et ne cui fraudi esset secessio militum plebisque.

6 His senatus consultis perfectis dimisso senatu decemviri prodeunt in contionem abdicantque se magistratu ingenti hominum laetitia. Nuntiantur
7 haec plebi. Legatos quidquid in urbe hominum supererat prosequitur. Huic multitudini laeta alia turba ex castris occurrit. Congratulantur libertatem
8 concordiamque civitati restitutam. Legati pro contione: "Quod bonum faustum felixque sit vobis reique publicae, redite in patriam ad penates, coniuges liberosque vestros; sed qua hic modestia fuistis, ubi nullius ager in tot rerum usu necessario tantae multitudini est violatus, eam modestiam ferte in urbem. In Aventinum ite, unde profecti estis.
9 Ibi felici loco, ubi prima initia incohastis libertatis vestrae, tribunos plebi creabitis. Praesto erit pontifex

[1] Asconius (ed. Clark, p. 77) commenting on Cicero's speech *Pro Cornelio de Maiestate* (which states that the plebs on this occasion "elected ten plebeian tribunes, through the instrumentality of the pontifex, because there was no magistrate") gives the name of the *pontifex maximus* as M. Papirius. This is the first time that Livy has mentioned the *pontifex maximus*, thus implying the existence of a *college* of pontiffs. See IV. xliv.

made no objection to anything: Appius, hard-hearted, knowing himself peculiarly unpopular, and measuring other men's hatred of himself by his own of them, exclaimed, "I am not unaware of the lot which threatens me. I perceive that the attack upon us is only being postponed till arms are handed over to our adversaries. Hatred must have its offering of blood. I too am willing to relinquish the decemvirate." A decree was passed by the senate that the decemvirs should abdicate the magistracy at the earliest possible moment; that Quintus Furius, the Pontifex Maximus,[1] should hold an election of plebeian tribunes; and that no one should be made to suffer for the secession of the soldiers and the plebs. B.C. 449

Having so decreed the senate adjourned and the decemvirs went before the people and laid down their office, to the great delight of all. These events were reported to the plebs, the envoys being accompanied by all the people left in the City. The multitude was met by another joyful throng from the camp, and they exchanged congratulations on the restoration of freedom and harmony to the state. The commissioners addressed the people as follows: "Prosperity, favour, and good fortune to you and the Republic! Return to your native City, to your homes, to your wives, and your children; but let the self-restraint you have shown here, where no man's farm has been violated, though so many things were useful and necessary to so great a multitude, be preserved when you return to the City. Go to the Aventine, whence you set out. There in the auspicious place where you first laid the foundations of your liberty, you shall choose tribunes of the plebs. The

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10 maximus qui comitia habeat." Ingens adsensus alacritasque cuncta adprobantium fuit. Convellunt inde signa profectique Romam certant cum obviis gaudio. Armati per urbem silentio in Aventinum
11 perveniunt. Ibi extemplo pontifice maximo comitia habente tribunos plebis creaverunt, omnium primum L. Verginium,[1] inde L. Icilium et P. Numitorium, avunculum Verginiae,[2] auctores secessionis, tum
12 C. Sicinium, progeniem eius, quem primum tribunum plebis creatum in Sacro monte proditum memoriae est, et M. Duillium, qui tribunatum insignem ante decemviros creatos gesserat nec in decemviralibus
13 certaminibus plebi defuerat. Spe deinde magis quam meritis electi M. Titinius M. Pomponius
14 C. Apronius Ap. Villius C. Oppius. Tribunatu inito L. Icilius extemplo plebem rogavit et plebs scivit ne cui fraudi esset secessio ab decemviris facta.
15 Confestim de consulibus creandis cum provocatione M. Duillius rogationem pertulit. Ea omnia in pratis Flaminiis concilio plebis acta, quem nunc circum Flaminium appellant.

LV. Per interregem deinde consules creati L. Valerius M. Horatius, qui extemplo magistratum occeperunt. Quorum consulatus popularis sine ulla
2 patrum iniuria nec sine offensione fuit; quidquid

[1] L. Verginium *Sigonius* (III. xliv. 2 *and* lviii. 5): aulum uerginium Ω.

[2] Verginiae *D*? *Sabellicus* (chap. xlvi. § 5): uergini (*or* ii) Ω.

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[1] *Avunculus* means properly "uncle," but sometimes "great-uncle," as I have here translated it, taking it to refer to the P. Numitorius who in chap. xlv. § 4 is called *puellae avus*.

Pontifex Maximus will be at hand to hold the election." With loud applause and great alacrity the people showed their approval of all that had been said. They pulled up their standards from the place and set out for Rome, vying with those whom they met in joyful demonstrations. Armed, they proceeded in silence through the City to the Aventine. There the Pontifex Maximus at once held the comitia, and they elected tribunes of the plebs; first of all Lucius Verginius; then Lucius Icilius and Publius Numitorius, Verginia's great-uncle,[1] the instigators of the secession; then Gaius Sicinius, son of the man who is related to have been the first plebeian tribune chosen on the Sacred Mount; and Marcus Duillius, who had filled the tribuneship with distinction before the decemvirs were appointed, and had not failed the plebs in their contentions with the decemvirs. Then, more by reason of their promise than for any deserts of theirs, they elected Marcus Titinius, Marcus Pomponius, Gaius Apronius, Appius Villius, and Gaius Oppius. As soon as they had taken office, Lucius Icilius proposed to the people, and they so voted, that no man should suffer for the secession from the decemvirs. Immediately a bill that consuls should be elected subject to appeal was offered by Marcus Duillius and was carried. These matters were all transacted by the council of the plebs, in the Flaminian Meadows, which men now call the Flaminian Circus. B.C. 449

LV. Then, through an interrex, they elected to the consulship Lucius Valerius and Marcus Horatius, who at once assumed office. Their administration was favourable to the people, without in any way wronging the patricians, though not without offending

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enim libertati plebis caveretur, id suis decedere
3 opibus credebant. Omnium primum, cum velut in
controverso iure esset tenerenturne patres plebi
scitis, legem centuriatis comitiis tulere ut quod
tributim plebes iussisset populum teneret; qua lege
tribuniciis rogationibus telum acerrimum datum est.
4 Aliam deinde consularem legem de provocatione,
unicum praesidium libertatis, decemvirali potestate
eversam, non restituunt modo, sed etiam in posterum
5 muniunt sanciendo novam legem, ne quis ullum
magistratum sine provocatione crearet; qui creasset,
eum ius fasque esset occidi, neve ea caedes capitalis
6 noxae haberetur. Et cum plebem hinc provocatione
hinc tribunicio auxilio satis firmassent, ipsis quoque
tribunis, ut sacrosancti viderentur, cuius rei prope
iam memoria aboleverat, relatis quibusdam ex magno
7 intervallo caerimoniis renovarunt, et cum religione
inviolatos eos tum lege etiam fecerunt, sanciendo ut
qui tribunis plebis aedilibus iudicibus decemviris
nocuisset, eius caput Iovi sacrum esset, familia ad
8 aedem Cereris Liberi Liberaeque venum iret. Hac
lege iuris[1] interpretes negant quemquam sacro-

[1] lege iuris *M²* *or* *M¹* : iuris lege Ω : iuris legem *RDL*.

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[1] *i. e.* the plebeian aediles, two in number, elected by the plebeians to assist the tribunes, as the quaestors did the consuls, and take charge of the archives of the plebs, kept in the temple of Ceres (see 13).

[2] These *decemviri stlitibus iudicandis* judged cases involving liberty or citizenship.

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them; for whatever was done to protect the liberty of the plebs they regarded as a diminution of their own strength. To begin with, since it was virtually an undecided question whether the patricians were legally bound by plebiscites, they carried a statute in the centuriate comitia enacting that what the plebs should order in the tribal organization should be binding on the people—a law which provided the rogations of the tribunes with a very sharp weapon. Next they not only restored a consular law about the appeal, the unique defence of liberty, which had been overthrown by the decemviral power, but they also safeguarded it for the future by the solemn enactment of a new law, that no one should declare the election of any magistrate without appeal, and that he who should so declare might be put to death without offence to law or religion, and that such a homicide should not be held a capital crime. And having sufficiently strengthened the plebs, by means of the appeal on the one hand and the help of the tribunes on the other, they revived, in the interest of the tribunes themselves, the principle of their sacrosanctity (which was a thing that had now come to be well-nigh forgotten) by restoring certain long-neglected ceremonies; and they rendered those magistrates inviolate, not merely on the score of religion but also by a statute, solemnly enacting that he who should hurt the tribunes of the plebs, the aediles,[1] or the decemviral judges[2] should forfeit his head to Jupiter, and that his possessions should be sold at the temple of Ceres, Liber, and Libera. Expounders of the law deny that any one is sacrosanct by virtue of this statute, but maintain that

A.U.C. 305 sanctum esse, sed eum qui eorum cui[1] nocuerit, Iovi
9 sacrum[2] sanciri; itaque aedilem prendi ducique a maioribus magistratibus, quod etsi non iure fiat —noceri enim ei cui hac lege non liceat—tamen argumentum esse non haberi pro sacro sanctoque[3]
10 aedilem; tribunos vetere[4] iure iurando plebis, cum primum eam potestatem creavit, sacrosanctos esse.
11 Fuere qui interpretarentur eadem hac Horatia lege consulibus quoque et praetoribus, quia eisdem auspiciis quibus consules crearentur, cautum esse: iudicem
12 enim consulem appellari. Quae refellitur interpretatio, quod iis temporibus nondum consulem
13 iudicem sed praetorem appellari mos fuerit. Hae consulares leges fuere. Institutum etiam ab iisdem consulibus ut senatus consulta in aedem Cereris ad aediles plebis deferrentur, quae antea arbitrio con-
14 sulum supprimebantur vitiabanturque. M. Duillius deinde tribunus plebis plebem rogavit plebesque scivit qui plebem sine tribunis reliquisset, quique magistratum sine provocatione creasset, tergo ac
15 capite puniretur. Haec omnia ut invitis, ita non

[1] cui ς: cuiquam cui *FB*: quecui *P*: cuiquem *MP*^{2}: cuiquam *UD*^{4}: quem Ω.
[2] Iovi sacrum *H. J. Mueller*: id (*or* id ad) sacrum Ω.
[3] sacro sanctoque *MRDL*: sacrosancto Ω.
[4] vetere ς: ueteres Ω.

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[1] The legal experts seem to have held that there was a distinction between the status of the tribunes and that of the aediles based on the belief that the former had been given *sacrosanctitas* at the time their office and that of the aediles was established, and that any violation of their persons automatically made the violator an outlaw (*sacer*); whereas it was necessary for an aedile to bring suit against the higher magistrate and convict him of the violation, before the man became *sacer*.

the man who has injured any of these officials is B.C. 449
solemnly forfeited to Jupiter; hence the aedile may be arrested and imprisoned by the greater magistrates, an act which, though it be unlawful—for he is thereby injured who, according to this statute, may not be injured,—is nevertheless a proof that the aedile is not regarded as sacrosanct; whereas the tribunes are sacrosanct in consequence of the ancient oath taken by the plebs, when they first created this magistracy.[1] There were some who taught that by this same Horatian law the consuls also were protected, and the praetors, inasmuch as they were created under the same auspices as the consuls; for the consul was called "judge." But this interpretation is refuted by the fact that it was not yet the custom in those days for the consul to be called "judge," but "praetor." Such were the consular laws. The practice was also instituted by the same consuls that the decrees of the senate should be delivered to the aediles of the plebs at the temple of Ceres. Up to that time they were wont to be suppressed or falsified, at the pleasure of the consuls. Marcus Duillius, the tribune of the plebs, then proposed to the plebs, and they so decreed, that whosoever should leave the plebs without tribunes and whosoever should declare the election of a magistrate without appeal should be scourged and beheaded. All these measures, though they were passed against the will of the patricians, were yet not opposed by them,

A.U.C. 305 adversantibus patriciis transacta, quia nondum in quemquam unum saeviebatur.

LVI. Fundata deinde et potestate tribunicia et plebis libertate tum tribuni adgredi singulos tutum maturumque iam rati accusatorem primum Verginium
2 et Appium reum deligunt. Cum diem Appio Verginius dixisset et Appius stipatus patriciis iuvenibus in forum descendisset, redintegrata extemplo est omnibus memoria foedissimae potestatis, cum ipsum
3 satellitesque eius vidissent. Tum Verginius "Oratio" inquit, "rebus dubiis inventa est; itaque neque ego accusando apud vos eum tempus teram a cuius crudelitate vosmet ipsi armis vindicastis, nec istum ad cetera scelera impudentiam in defendendo se
4 adicere patiar. Omnium igitur tibi, Ap. Claudi, quae impie nefarieque per biennium alia super alia es ausus, gratiam facio: unius tantum criminis nisi iudicem dices, te ab libertate in servitutem contra leges vindicias non dedisse, in vincla te duci iubebo."
5 Nec in tribunicio auxilio Appius nec in iudicio populi ullam spem habebat; tamen[1] et tribunos appellavit et, nullo morante arreptus a viatore, "Provoco"
6 inquit. Audita vox una vindex libertatis, ex eo

[1] tamen *Madvig*: attamen Ω.

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[1] Verginius did not mean to deprive Appius of the right to speak eventually in his own defence, as we see in chap. lvii. § 6, but merely to abridge the preliminary hearing. He therefore proposed a *sponsio* (*cf.* chap. xxiv. § 5) to determine the guilt or innocence of Appius on one essential point.

since, so far, no one person had been singled out for attack. B.C. 449

LVI. Then, when the tribunician power and the liberty of the plebs were firmly established, the tribunes, believing that it was now safe to proceed against individuals and that the time was ripe for doing so, selected Verginius to bring the first accusation and Appius to be defendant. When Verginius had cited Appius to appear, and the latter, attended by a crowd of young patricians, had come down into the Forum, there was instantly revived in the minds of all the recollection of that most wicked power, as soon as they caught sight of the man himself and his satellites. Then Verginius said, "Oratory was invented for doubtful matters; and so I shall neither waste time in arraigning before you the man from whose cruelty you freed yourselves with arms, nor shall I suffer him to add to his other crimes the impudence of defending himself.[1] I therefore pardon you, Appius Claudius, all the impious and wicked deeds which you dared, during two years, to heap one upon another; on one charge only, unless you shall name a referee to establish your innocence of having illegally assigned custody of a free person to him who claimed her as his slave, I shall order you to be taken to prison." Neither in the protection of the tribunes nor in the decision of the people had Appius anything to hope; yet he called upon the tribunes, and when none of them would stay proceedings, and he had been arrested by an officer, he cried, "I appeal." The sound of this word, the one safeguard of liberty, coming from that mouth by which, shortly before, a free person had been given into the

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missa ore quo vindiciae nuper ab libertate dictae
7 erant, silentium fecit. Et dum pro se quisque deos
tandem esse et non neglegere humana fremunt, et
superbiae crudelitatique etsi seras, non leves tamen
8 venire poenas—provocare qui provocationem sustu-
lisset, et implorare praesidium populi qui omnia iura
populi obtrisset, rapique in vincla egentem iure liber-
tatis, qui liberum corpus in servitutem addixisset,—
ipsius Appi inter contionis murmur fidem populi
9 Romani implorantis vox audiebatur. Maiorum merita
in rem publicam domi militiaeque commemorabat,
suum infelix erga plebem Romanam studium, quo
aequandarum legum causa cum maxima offensione
patrum consulatu abisset, suas leges, quibus manenti-
10 bus lator earum in vincla ducatur. Ceterum sua
propria bona malaque, cum causae dicendae data
facultas sit, tum se experturum; in praesentia se
communi iure civitatis civem Romanum die dicta
postulare ut dicere liceat, ut iudicium populi Romani
experiri. Non ita se invidiam pertimuisse ut nihil in
aequitate et misericordia civium suorum spei habeat.
11 Quod si indicta causa in vincla ducatur, iterum se
tribunos plebei appellare, et monere ne imitentur

[1] The Twelve Tables.

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custody of one who claimed her as a slave, produced a hush. And while the people muttered, each man to himself, that there were gods after all, who did not neglect the affairs of men; and that pride and cruelty were receiving their punishment, which though late was nevertheless not light—that he was appealing who had nullified appeal; that he was imploring the protection of the people who had trodden all the rights of the people under foot; that he was being carried off to prison, deprived of his right to liberty, who had condemned the person of a free citizen to slavery—the voice of Appius himself was heard amidst the murmurs of the assembly, beseeching the Roman People to protect him. He reminded them of the services his forefathers had rendered the state in peace and in war; of his own unfortunate affection for the Roman plebs, in consequence of which he had given up his consulship—in order to make the laws equal for all—with great offence to the patricians;—of the laws he had himself drawn up,[1] which were still standing while their author was being dragged off to prison. For the rest, when he should be given an opportunity to plead his cause, he would try what would come of his own peculiar services and shortcomings; at present he asked that, in accordance with the common right of citizenship, he be permitted, being a Roman citizen and under accusation, to speak, and to be judged by the Roman People. He did not so fear men's malice as to have no hope in the justice and pity of his fellow citizens. But if he was to be imprisoned, his cause unheard, he appealed once more to the tribunes of the plebs, and warned them not to

A.U.C. 305 12 quos oderint. Quod si tribuni eodem foedere obligatos se fateantur tollendae appellationis[1] in quod[2] conspirasse decemviros criminati sint, at[3] se provocare ad populum, implorare leges de provocatione et
13 consulares et tribunicias, eo ipso anno latas. Quem enim provocaturum, si hoc indemnato indicta causa non liceat? Cui plebeio et humili praesidium in legibus fore, si Ap. Claudio non sit? Se documento futurum utrum novis legibus dominatio an libertas firmata sit, et appellatio provocatioque adversus iniuriam magistratuum ostentata tantum inanibus litteris an vere data sit.

LVII. Contra ea Verginius unum Ap. Claudium et legum expertem et civilis et humani foederis esse
2 aiebat: respicerent tribunal homines, castellum omnium scelerum, ubi decemvir ille perpetuus, bonis, tergo, sanguini civium infestus, virgas securesque omnibus minitans, deorum hominumque contemptor,
3 carnificibus, non lictoribus stipatus, iam ab rapinis et caedibus animo ad libidinem verso virginem ingenuam in oculis populi Romani, velut bello captam, ab complexu patris abreptam ministro cubiculi sui
4 clienti dono dederit; ubi crudeli decreto nefandisque vindiciis dextram patris in filiam armaverit; ubi tollentis corpus semianime virginis sponsum avum-

[1] appellationis *V*: appellationis causâ (causam *RDL*) Ω.
[2] in quod *Crevier* ς: in quam Ω: in qua *BD*χ: inquam in quã *M*.
[3] at *Iac. Gronovius*: ait Ω.

imitate those whom they hated. And if the tribunes B.C. 449
should confess that they were bound by the same agreement which they charged the decemvirs with having entered into, not to hear an appeal, he still appealed to the people, and invoked the laws, both consular and tribunician, which had been enacted concerning appeals that very year. For who, he asked, should make an appeal, if a man who had not been condemned, whose cause had not been heard, might not do so? What humble plebeian would find protection in the laws, if they afforded none to Appius Claudius? His own case would show whether the new statutes had established tyranny or freedom, and whether the appeal to the tribunes and that to the people against the injustice of magistrates had been merely a parade of meaningless forms, or had been really granted.

LVII. Against this plea Verginius asserted that Appius Claudius alone was beyond the pale of the laws and of the rights of citizens and men. He bade his hearers look on the tribunal, the stronghold of all crimes, where that man, as perpetual decemvir, deadly foe to their fortunes, their persons, and their lives, threatening them all with rods and axes, despising gods and men, backed by executioners instead of lictors, had began to turn his thoughts from rapine and murder to lust; and, in full sight of the Roman People, had torn a free maiden from her father's arms, as though she had been a captive taken in war, and bestowed her as a gift upon his pimp and client;—the tribunal where, by his tyrannical decree and wicked judgments, he had armed a father's right hand against his daughter; where, as they were lifting up the body of the dying girl, he had

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que[1] in carcerem duci iusserit, stupro interpellato magis quam caede motus. Et illi carcerem aedificatum esse quod domicilium plebis Romanae vocare
5 sit solitus. Proinde ut ille iterum ac saepius provocet, sic se iterum ac saepius iudicem illi ferre ni vindicias ab libertate in servitutem dederit; si ad iudicem
6 non eat, pro damnato in vincla duci iubere. Ut haud quoquam improbante sic magno motu animorum, cum tanti viri supplicio suamet plebi iam nimia libertas videretur, in carcerem est coniectus. Tribunus ei diem prodixit.

7 Inter haec ab Latinis et Hernicis legati gratulatum de concordia patrum ac plebis Romam venerunt, donumque ob eam Iovi optumo maximo coronam aureamin Capitolium tulere parvi ponderis, prout res haud opulentae erant colebanturque religiones
8 pie magis quam magnifice. Iisdem auctoribus cognitum est Aequos Volscosque summa vi bellum
9 apparare. Itaque partiri provincias consules iussi. Horatio Sabini, Valerio Aequi evenere. Cum ad ea bella dilectum edixissent, favore plebis non iuniores

[1] avumque Ω: auunculumque *Sabellicus* (*cf. note on chap.* xlv. § 4).

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[1] And the Volsci, apparently, see chap. lx. § 1.

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ordered her betrothed and her uncle to be haled to prison—more moved by the disappointing of his pleasure than by her death. For Appius too had been built that prison which he was wont to call the home of the Roman plebs. Accordingly, though he should again and repeatedly appeal, he would himself again and repeatedly challenge him to prove before a referee that he had not adjudged a free citizen to the custody of one who claimed her as a slave. Should he refuse to go before a referee, he bade him be led to gaol, as one found guilty. Though none raised his voice in disapproval, there were yet profound misgivings on the part of the plebs when he was cast into prison, since they saw in the punishment of so great a man a sign that their own liberty was already grown excessive. The tribune appointed a day for the continuance of the trial.

Meanwhile from the Latins and the Hernici came envoys to congratulate the Romans upon the harmony subsisting between the patricians and the plebs; and to commemorate it they brought a gift for Jupiter Optimus Maximus, to the Capitol. This was a golden crown, of no great weight, for their states were not rich, and they observed the worship of the gods with piety rather than magnificence. From these same envoys came the information that the Aequi and the Volsci were making strenuous preparations for war. The consuls were therefore bidden to divide the commands between them. To Horatius fell the campaign against the Sabines; to Valerius that against the Aequi.[1] When they had proclaimed a levy for these wars, the plebs showed so much good-will

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modo sed emeritis etiam stipendiis pars magna voluntariorum ad nomina danda praesto fuere, eoque non copia modo sed genere etiam militum, veteranis
10 admixtis, firmior exercitus fuit. Priusquam urbe egrederentur, leges decemvirales, quibus tabulis duodecim est nomen, in aes incisas in publico proposuerunt. Sunt qui iussu tribunorum aediles functos eo ministerio scribant.

LVIII. C. Claudius, qui perosus decemvirorum scelera et ante omnes fratris filii superbiae infestus Regillum, antiquam in patriam, se contulerat, is magno iam natu, cum ad pericula eius deprecanda redisset cuius vitia fugerat, sordidatus cum gentilibus clientibusque in foro prensabat singulos orabatque
2 ne Claudiae genti eam inustam maculam vellent ut carcere et vinculis viderentur digni. Virum[1] honoratissimae imaginis futurum ad posteros, legum latorem conditoremque Romani iuris, iacere vinctum
3 inter fures nocturnos ac latrones. Averterent ab ira parumper ad cognitionem cogitationemque animos, et potius unum tot Claudiis deprecantibus condonarent quam propter unius odium multorum
4 preces aspernarentur. Se quoque id generi ac nomini dare nec cum eo in gratiam redisse cuius adversae fortunae velit succursum. Virtute liber-

[1] virum $O^2A^2\varsigma$: verum Ω.

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that not only the juniors but also a great number of volunteers who had served their time presented themselves for enrolment, with the result that not alone in numbers but in the quality of the troops as well, owing to the admixture of veterans, the army was stronger than usual. Before they left the City, the consuls had the decemviral laws, which are known as the Twelve Tables, engraved on bronze, and set them up in a public place. Some authors say that the aediles, acting under orders from the tribunes, performed this service.

LVIII. Gaius Claudius, who loathed the wickedness of the decemvirs and was particularly offended by his nephew's insolence, had retired to Regillus, the ancient seat of his family. He was advanced in years, but he returned to Rome to beg for the pardon of the man whose vices he had fled. In sordid garments, accompanied by his clansmen and clients, he went about the Forum, soliciting the support of one citizen after another, beseeching them that they would not seek to brand the Claudian race with the shame of being held to merit imprisonment and chains. A man whose portrait-mask would be held in the highest honour by coming generations, the framer of statutes and the founder of Roman law, lay in prison among night-prowling thieves and banditti. Let them turn their minds from wrath, for a moment, to consider and reflect upon the matter; and let them sooner forgive one man, at the entreaty of so many Claudii, than scorn, in their hatred of one, the prayers of many. He was doing this, he said, out of regard to his family and his name; nor had there been any reconciliation between him and the man whose adversity he sought to succour. By

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tatem reciperatam esse: clementia concordiam
5 ordinum stabiliri posse. Erant quos moveret sua magis pietate quam eius pro quo agebat causa; sed Verginius sui potius ut misererentur orabat filiaeque, nec gentis Claudiae regnum in plebem sortitae sed necessariorum Verginiae trium tribunorum preces audirent, qui ad auxilium plebis creati
6 ipsi plebis fidem atque auxilium implorarent. Iustiores hae lacrimae videbantur. Itaque spe incisa, priusquam prodicta dies adesset, Appius mortem sibi conscivit.

7 Subinde arreptus a P. Numitorio Sp. Oppius, proximus invidiae, quod in urbe fuerat cum iniustae
8 vindiciae a collega dicerentur. Plus tamen facta iniuria Oppio quam non prohibita invidiae fecit. Testis productus, qui septem et viginti enumeratis stipendiis octiens extra ordinem donatus donaque ea gerens in conspectu populi, scissa veste tergum laceratum virgis ostendit, nihilum deprecans quin si quam suam noxam reus dicere posset, privatus
9 iterum in se saeviret. Oppius quoque ductus in vincula est, et ante iudicii diem finem ibi vitae fecit. Bona Claudi Oppique tribuni publicavere. Collegae

courage they had got back their liberty; by showing mercy they had it in their power to establish harmony between the orders. There were some whom he moved, more by his family-loyalty than by the cause of the man for whom he pleaded. But Verginius begged them rather to pity himself and his daughter, and to hearken, not to the entreaties of the Claudian family, whose province it was to tyrannize over the plebs, but instead to those of Verginia's relations, the three plebeian tribunes, who had been appointed to help the plebs but were themselves imploring the plebs to protect and comfort them. Men found more reason in his tears. And so Appius, cut off from hope, did not wait for the appointed day to come, but killed himself. B.C. 449

Immediately thereafter Publius Numitorius caused the arrest of Spurius Oppius, who stood next in point of unpopularity, because he had been in the City when the unjust verdict was pronounced by his colleague. Yet a wrong which Oppius committed was more responsible for men's bitterness towards him than the one which he failed to prevent. A witness was produced who, after enumerating his twenty-seven campaigns, during which he had eight times received special decorations, which he wore in full sight of the people, tore open his tunic and exhibited his back, scored by the rods, professing that if the defendant could name any crime of which he had been guilty, he would suffer him without complaining, private citizen though he was, to vent his rage upon him a second time. Oppius too was led to prison, and before the day of trial he there put an end to his life. The property of Claudius and that of Oppius was con-

A.U.C. 305 eorum exsilii causa solum verterunt; bona publicata
10 sunt. Et M. Claudius, adsertor Verginiae, die dicta damnatus, ipso remittente Verginio ultimam poenam
11 dimissus Tibur exsulatum abiit, manesque Verginiae, mortuae quam vivae felicioris,[1] per tot domos ad petendas poenas vagati nullo relicto sonte tandem quieverunt.

LIX. Ingens metus incesserat patres, voltusque iam iidem[2] tribunorum erant qui decemvirorum fuerant, cum M. Duillius tribunus plebis inhibito
2 salubriter modo nimiae potestati "Et libertatis" inquit, "nostrae et poenarum ex inimicis satis est; itaque hoc anno nec diem dici cuiquam nec in vincla
3 duci quemquam sum passurus. Nam neque vetera[3] peccata repeti iam oblitterata placet, cum[4] nova expiata sint decemvirorum suppliciis, et nihil admissum iri, quod vim tribuniciam desideret spondet perpetua consulum amborum in libertate vestra
4 tuenda cura." Ea primum moderatio tribuni metum patribus dempsit, eademque auxit consulum invidiam, quod adeo toti plebis fuissent ut patrum salutis libertatisque prior plebeio magistratui quam patricio cura fuisset, et ante inimicos satietas poenarum

[1] felicioris *Gulielmus* ς: feliciores Ω.
[2] iidem D^4ς: idem ς: inde Ω: indies *R*: indie *D?L*: iam die *A*.
[3] vetera D^4ς: ũra (= vestra) Ω.
[4] placet, cum ς (*Rhenanus*): placet et cum *Vorm. M*: placet cum et Ω: placet cum etiam ς.

fiscated by the tribunes. Their colleagues in the decemvirate went into exile, and their possessions were forfeited. Marcus Claudius also, the claimant of Verginia, was cited and condemned, but at the instance of Verginius himself the extreme penalty was remitted; and being allowed to depart, he went into exile at Tibur. And so the manes of Verginia, who was more fortunate after her death than she had been while alive, after ranging through so many houses in quest of vengeance, were finally at peace; for no guilty man remained. B.C. 449

LIX. A great fear had come over the patricians, and the bearing of the tribunes was now just what that of the decemvirs had been, when Marcus Duillius, a tribune of the plebs, placed a salutary check upon their excessive power. "Our own liberty," he declared, "and the exaction of penalties from our enemies have gone far enough; I shall therefore this year allow no one to be arraigned or thrown into gaol. For on the one hand it is not good to rake up old offences, already blotted out of memory, now that recent crimes have been expiated by the punishment of the decemvirs; and on the other hand we have a guarantee that no wrong will be attempted that could call for the intervention of tribunician authority, in view of the unceasing care both consuls take to protect your liberty." It was this moderation on the tribune's part which first relieved the patricians of their fear. It also increased their dislike of the consuls, since the latter had been so wholly devoted to the plebs that the safety and independence of the patricians had been dearer to a plebeian magistracy than to their own, and their opponents had grown sated

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suarum cepisset quam obviam ituros licentiae eorum
5 consules appareret. Multique erant qui mollius con-
sultum dicerent, quod legum ab iis latarum patres
auctores fuissent, neque erat dubium quin turbato
rei publicae statu tempori succubuissent.

LX. Consules rebus urbanis compositis fundatoque
plebis statu in provincias diversi abiere. Valerius ad-
versus coniunctos iam in Algido exercitus Aequorum
2 Volscorumque sustinuit consilio bellum; quod si
extemplo rem fortunae commisisset, haud scio an,
qui tum animi ab decemvirorum infelicibus auspiciis
Romanis hostibusque erant, magno detrimento cer-
3 tamen staturum fuerit. Castris mille passuum ab
hoste positis copias continebat.[1] Hostes medium
inter bina castra spatium acie instructa complebant,
provocantibusque ad proelium responsum Romanus
4 nemo reddebat. Tandem fatigati stando ac nequi-
quam exspectando certamen Aequi Volscique, post-
quam concessum propemodum de victoria credebant,
pars in Hernicos, pars in Latinos praedatum abeunt;
relinquitur magis castris praesidium quam satis
5 virium ad certamen. Quod ubi consul sensit, red-
dit inlatum antea terrorem instructaque acie ultro
6 hostem lacessit. Ubi illi conscientia quid abesset

[1] continebat $R^2A^3\varsigma$: continebant Ω.

with punishing them before the consuls evinced any intention of opposing their licence. And there were many who said that the senate had shown a want of resolution in having voted for the measures proposed by the consuls; and indeed there was no doubt that in the troubled state of public affairs they had yielded to the times. B.C. 449

LX. The consuls, having set affairs in order in the City and established the position of the plebs, departed to their respective commands. Valerius, facing the armies of the Aequi and Volsci, which had already effected a junction on Mount Algidus, deliberately postponed engaging them; had he risked an immediate decision, it is likely—such was the difference in spirit between the Romans and the enemy, in consequence of the godless dealings of the decemvirs—that the struggle would have cost him a severe defeat. He established his camp a mile from the enemy and kept his men within the works. The enemy repeatedly drew up their troops in fighting order on the ground between the camps, and challenged the Romans to come out and engage them; but no one answered them. At length, weary with standing and waiting, to no purpose, for the battle, the Aequi and Volsci concluded that the Romans had virtually yielded them the victory; and marched off to pillage, some against the Hernici, others against the Latins, leaving behind what was rather a garrison for the camp than a sufficient force for giving battle. On perceiving this the consul repaid the fear he had previously been made to feel, and forming a line of battle, himself provoked the enemy. Since they declined the combat, conscious of their want of strength, the

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virium detractavere pugnam, crevit extemplo Ro-
manis animus, et pro victis habebant paventes intra
7 vallum. Cum per totum diem stetissent intenti
ad certamen, nocti cessere. Et Romani quidem pleni
spei corpora curabant: haudquaquam pari hostes
animo nuntios passim trepidi ad revocandos prae-
datores dimittunt. Recurritur ex proximis locis:
8 ulteriores non inventi. Ubi inluxit, egreditur castris
Romanus vallum invasurus ni copia pugnae fieret.
Et postquam multa iam dies erat neque movebatur
quicquam ab hoste, iubet signa inferri consul;
motaque acie indignatio Aequos et Volscos inces-
sit, si victores exercitus vallum potius quam virtus
et arma tegerent. Igitur et ipsi efflagitatum ab du-
9 cibus signum pugnae accepere. Iamque pars egres-
sa portis erat, deincepsque alii servabant ordinem
in suum quisque locum descendentes, cum consul
Romanus, priusquam totis viribus fulta constaret
10 hostium acies, intulit signa; adortusque nec omnes
dum eductos, nec qui erant, satis explicatis ordi-
nibus, prope fluctuantem turbam trepidantium huc
atque illuc circumspectantiumque se ac suos, addito
turbatis mentibus clamore atque impetu invadit.
11 Rettulere primo pedem hostes; deinde, cum animos

Romans felt an immediate access of courage, and regarded their opponents, cowering behind the palisade, as beaten men. After standing in line all day intent on fighting, the Romans withdrew at nightfall. And they, on their side, were full of hope, as they ate their evening meal; but the enemy's spirits were by no means so high, and they sent out couriers far and wide, in great alarm, to recall the marauders. The nearest of these hastened back; but those who were farther afield could not be found. As soon as it was light, the Romans sallied from their camp, intending to assault the rampart, unless the enemy gave battle. So, when the day was now far spent and the enemy made no move, the consul ordered an advance. The Roman line having got in motion, the Aequi and Volsci were ashamed that their victorious armies should depend for protection upon stockades, instead of valour and the sword. Accordingly they too demanded of their leaders, and received, the signal to attack. A part had already passed out through the gates and the rest were following in good order, each man coming out into his proper place; when the Roman consul, not waiting till the enemy's line should be strongly posted in full force, advanced to the charge. The attack, which he delivered before their troops had all been brought out, and when those who had been were insufficiently deployed, found little more than a surging mob of men, who as they hurried this way and that cast anxious looks at one another and wished for their missing friends. The shouting and the fury of the onset increased their agitation, and at first they fell back; then, when they had collected their wits and on B.C. 449

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collegissent et undique duces victisne cessuri essent
increparent, restituitur pugna.

LXI. Consul ex altera parte Romanos meminisse
iubebat illo die primum liberos pro libera urbe
Romana pugnare: sibimet ipsis victuros, non ut
2 decemvirorum victores praemium essent. Non
Appio duce rem geri, sed consule Valerio, ab li-
beratoribus populi Romani orto, liberatore ipso.
Ostenderent prioribus proeliis per duces, non per
3 milites stetisse ne vincerent; turpe esse contra cives
plus animi habuisse quam contra hostes, et domi
4 quam foris servitutem magis timuisse. Unam Ver-
giniam fuisse cuius pudicitiae in pace periculum
esset, unum Appium civem periculosae libidinis;
at si fortuna belli inclinet, omnium liberis ab tot
5 milibus hostium periculum fore; nolle ominari quae
nec Iuppiter nec Mars pater passuri sint iis auspiciis
conditae urbi accidere. Aventini Sacrique montis
admonebat, ut ubi libertas parta esset paucis ante
6 mensibus, eo imperium inlibatum referrent, osten-
derentque eandem indolem militibus Romanis post
exactos decemviros esse quae ante creatos fuerit,
nec aequatis legibus imminutam virtutem populi
7 Romani esse. Haec ubi inter signa peditum dicta

every side heard their officers wrathfully demanding if they meant to yield to troops whom they had beaten, they rallied and held their own. B.C. 449

LXI. The consul, on the other side, bade the Romans remember that on that day they were for the first time fighting as free men for a free Rome. They would be conquering for themselves, not that they might become the spoil of decemvirs in the hour of victory. It was no Appius who was commanding them, but the consul Valerius, descendant of liberators of the Roman People, and himself their liberator. Let them show that in previous battles it had been the fault of the generals, not of the soldiers, that they had failed to win. It would be disgraceful to have shown more courage in facing their fellow citizens than in facing the enemy, and to have been more fearful of enslavement at home than abroad. No one's chastity but Verginia's had been in danger while they were at peace, no citizen but Appius had been possessed of a dangerous lust; but if the fortune of war turned against them, the children of all of them would be in danger from all those thousands of enemies; yet he would not utter an omen which neither Jupiter nor Mars their Father would suffer to come home to a City founded with such auspices. He reminded them of the Aventine and the Sacred Mount, that they might bring back an undiminished power to the spot where liberty had a few months before been won, and might show that the nature of Rome's soldiers was the same after the expulsion of the decemvirs that it had been before they were elected, and that equality before the law had not lessened the courage of the Roman People. Having pronounced these words

A.U.C. 305 dedit, avolat deinde ad equites: "Agite, iuvenes"
inquit, "praestate virtute peditem ut honore atque
8 ordine praestatis. Primo concursu pedes movit
hostem, pulsum vos immissis equis exigite e campo.
Non sustinebunt impetum, et nunc cunctantur magis
9 quam resistunt." Concitant equos permittuntque in
hostem pedestri iam turbatum pugna et perruptis
ordinibus elati ad novissimam aciem, pars libero
spatio circumvecti iam fugam undique capessentes
plerosque a castris avertunt praeterequitantesque
10 absterrent. Peditum acies et consul ipse visque
omnis belli fertur in castra, captisque cum ingenti
caede maiore praeda potitur.

11 Huius pugnae fama perlata non in urbem modo
sed in Sabinos ad alterum exercitum, in urbe lae-
titia[1] celebrata est, in castris animos militum ad
12 aemulandum decus accendit. Iam Horatius eos
excursionibus[2] proeliisque levibus[3] experiundo ad-
suefecerat sibi potius fidere quam meminisse igno-
miniae decemvirorum ductu acceptae, parvaque cer-
13 tamina in summam totius profecerant spei. Nec
cessabant Sabini, feroces ab re priore anno bene
gesta, lacessere atque instare, rogitantes quid latro-
cinii modo procursantes pauci recurrentesque tere-

[1] laetitia *V*: laetitia modo Ω.
[2] excursionibus *V*: excursionibus sufficiendo Ω: ex incursionibus sufficiendo Ω.
[3] levibus *V*ς: lenibus Ω: lenius *PFUB*.

amid the standards of the infantry, he hastened to B.C. 449
the cavalry. "Come, young men," he cried, "surpass the foot-soldiers in daring as you do in honour and in rank! At the first encounter the infantry have forced the enemy back; now that they are repulsed, do you give rein to your horses and drive them from the field. They will not sustain the shock; even now they are rather hesitating than resisting." Clapping spurs to their horses they charged the enemy, already disordered by the infantry-attack, and penetrating his lines, dashed through to the rear; while another division made a detour over unoccupied ground, and finding the enemy everywhere in flight turned most of them back from their camp and frightened them off by riding across their course. The infantry and the consul himself swept on into the camp in the full tide of battle, and took possession of it. The enemy's losses in men were great, but in booty were even greater.

The report of this battle having been brought not only to Rome but also to the Sabine country and the other army, was celebrated in the City with rejoicings, and in the camp inspired the soldiers with a desire to emulate the glorious achievement. Horatius had already accustomed them, by practice in raids and skirmishes, to be self-reliant, instead of dwelling on the disgrace they had incurred under the leadership of the decemvirs; and small engagements had encouraged the highest hopes of the general outcome. Nor were the Sabines backward—emboldened as they were by their victory of the year before—with challenges and threats. Why, they asked, did the Romans waste their time advancing swiftly in small companies, like brigands, and as hurriedly retreating;

A.U.C. 305 rent tempus et in multa proelia parvaque carperent 14 summam unius belli? Quin illi congrederentur acie inclinandamque semel fortunae rem darent?

LXII. Ad id quod sua sponte satis conlectum animorum erat indignitate etiam Romani accendebantur: iam alterum exercitum victorem in urbem rediturum, sibi ultro per contumelias hostem insultare; quando autem se, si tum non sint, pares
2 hostibus fore? Ubi haec fremere militem in castris consul sensit, contione advocata "Quem ad modum" inquit, "in Algido res gesta sit, arbitror vos, milites, audisse. Qualem liberi populi exercitum decuit esse, talis fuit. Consilio[1] collegae, virtute militum
3 victoria parta est. Quod ad me attinet, id consilii animique habiturus sum quod vos mihi feceritis.[2] Et trahi bellum salubriter et mature perfici potest.
4 Si trahendum est, ego ut in dies spes virtusque vestra crescat, eadem qua institui disciplina efficiam: si iam satis animi est decernique placet, agitedum clamorem qualem in acie sublaturi estis tollite hic
5 indicem voluntatis virtutisque vestrae." Postquam ingenti alacritate clamor est sublatus, quod bene vertat gesturum se illis morem posteroque die in aciem deducturum adfirmat. Reliquum diei apparandis armis consumptum est.

[1] consilio $P^2A^2\varsigma$: Gy consulto *H*: consilio consulto *ML*: consul consilto *P*: consilto *FB*: consulto Ω: . . . *V*.

[2] mihi feceritis *Crevier*: . . hi f . . eritis . . . . . . s *V*: milites geritis *Vorm* MA^2: tegeritis *H*: mihi tegaritis feceritis *O*: mihi tegeritis *RL*: mihi . . . . feceritis *P*: mihi effeceritis P^2FUBD^3: michi . . . . geritis *D*.

thus dissipating in many little combats the issues of one pitched battle? Why did they not attack in line and suffer fortune to decide the matter once for all? B.C. 449

LXII. Besides the fact that they had of themselves accumulated a good store of confidence, the Romans were also kindled with indignation. The other army, they said, would presently be returning victorious to the City; they themselves were actually being insulted and reviled by the enemy; but when should they be a match for him, if they were not at that moment? When the consul became aware how the soldiers were murmuring in the camp, he called them together. "Soldiers," said he, "you have heard, I suppose, how matters have gone on Algidus. The army has proved to be such as it was fitting that the army of a free people should be. By my colleague's strategy and the bravery of his men a victory has been won. As for me, my strategy and my courage will be what you make them yourselves. It is within our power either to prolong the war with advantage or to bring it to a speedy and successful end. If it is to be prolonged, I shall seek to increase your hopes and courage from day to day by the same course of training I have begun; if your spirits are already high enough and you wish the war to be decided, come, give a shout here in the camp, to show your good-will and your courage, like the cheer you will raise in the battle!" The shout was given with great alacrity, and the consul promised, invoking good fortune on the enterprise, that he would do as they wished and lead them forth to battle on the morrow. The rest of the day they spent in making ready their arms.

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6 Postero die simul instrui Romanam aciem Sabini videre et ipsi, iam pridem avidi certaminis, procedunt. Proelium fuit, quale inter fidentes sibimet ambo exercitus, veteris perpetuaeque alterum gloriae,
7 alterum nuper nova victoria elatum. Consilio etiam Sabini vires adiuvere; nam cum aequassent aciem, duo extra ordinem milia quae in sinistrum cornu Romanorum in ipso certamine impressionem facerent
8 tenuere. Quae ubi inlatis ex transverso signis degravabant prope circumventum cornu, equites duarum legionum sescenti[1] fere ex equis desiliunt cedentibusque iam suis provolant in primum simulque et hosti se opponunt et aequato primum periculo, pudore deinde animos peditum accendunt;
9 verecundiae erat equitem suo alienoque Marte pugnare, peditem ne ad pedes quidem degresso equiti parem esse.

LXIII. Vadunt igitur in proelium ab sua parte omissum et locum ex quo cesserant repetunt; momentoque non restituta modo pugna, sed inclinatur
2 etiam Sabinis cornu. Eques inter ordines peditum tectus se ad equos recipit. Transvolat inde in partem alteram suis victoriae nuntius; simul et in

[1] sescenti ς: sescentis *V*: ac (*or* āc *or* aĉ) *i.e.* *DC* Ω.

Next day, as soon as the Sabines saw the Romans forming, they came out themselves, for they had long been eager to fight. It was a battle such as takes place when both armies are confident; for the glory of the one was ancient and unbroken, and the other was exalted by its recent unaccustomed victory. Moreover the Sabines employed a stratagem to increase their strength; for when they had marshalled a front of equal extent with the Roman, they held two thousand men in reserve to hurl against their opponent's left, as soon as the battle should be under way. These troops, attacking in flank, had almost encompassed that wing, and were beginning to overpower it; when the cavalry of the two legions, numbering about six hundred, leaped down from their horses and rushed to the front, where their comrades were already giving ground. There they made a stand against the foe and at the same time roused the courage of the infantry, first by sharing the danger on equal terms, and then by causing them to feel ashamed. They felt humiliated that the cavalry should be fighting in their own fashion and in that of infantry too, and that the infantry should not be as good as the horsemen, even when these were dismounted. B.C. 449

LXIII. They therefore renewed the battle which on their flank had been given up, and advanced again into the position from which they had retreated, and in a trice the fighting was not merely even, but the Sabine wing had begun to yield. The horsemen, under cover of the ranks of infantry, regained their mounts. Then they galloped across to the other wing, announcing the victory to their friends; and at the same time they made a charge against the

A.U.C. 305 hostes iam pavidos, quippe fuso suae partis validiore cornu, impetum facit. Non aliorum eo proelio virtus
3 magis enituit. Consul providere omnia, laudare fortis, increpare sicubi segnior pugna esset. Castigati fortium statim virorum opera edebant, tantumque hos pudor quantum alios laudes excitabant.
4 Redintegrato clamore undique omnes conisi hostem avertunt, nec deinde Romana vis sustineri potuit. Sabini fusi passim per agros castra hosti ad praedam relinquunt. Ibi non sociorum sicut in Algido res, sed suas Romanus populationibus agrorum amissas recipit.

5 Gemina victoria duobus bifariam proeliis parta maligne senatus in unum dîem supplicationes consulum nomine decrevit. Populus iniussu et altero die frequens iit supplicatum;[1] et haec vaga popularisque supplicatio studiis prope celebratior fuit.
6 Consules ex composito eodem biduo ad urbem accessere senatumque in Martium campum evocavere. Ubi cum de rebus ab se gestis agerent, questi primores patrum senatum inter milites dedita opera
7 terroris causa haberi. Itaque inde consules, ne criminationi locus esset, in prata Flaminia, ubi nunc aedes Apollinis est—iam tum Apollinare appellabant,—

[1] supplicatum ς : supplicatumque est Ω : supplicatumque e *D.*

enemy, who were already panic-stricken, as they B.C. 449
might well be when the stronger of their wings had been defeated. No other troops showed more conspicuous courage in that battle. The consul looked out for every contingency, commended the brave, and upbraided any who fought listlessly. Being rebuked they would at once begin to acquit themselves like men,—shame proving as powerful an incentive to them as praise to the others. With a fresh cheer all along the line the Romans made a concerted effort and drove the enemy back, and from that moment there was no resisting the violence of their onset. The Sabines fled in confusion through the fields and left their camp to be plundered by their foes. There the Romans won back not the possessions of their allies, as on Algidus, but their own which had earlier been lost to them through the raids on their lands.

Though a double victory had been gained in two separate battles, the senate was so mean as to decree thanksgivings in the name of the consuls for one day only. The people went unbidden on the second day also in great numbers, to offer up thanks to the gods; and this unorganized and popular supplication was attended with an enthusiasm which almost exceeded that of the other. The consuls had arranged to approach the City within a day of one another, and summoned the senate out into the Campus Martius. While they were there holding forth on the subject of their victories, complaints were made by leading senators that the senate was being held in the midst of the army on purpose to inspire fear. And so the consuls, to allow no room for the accusation, adjourned the senate from that place to the Flaminian Meadows, where the temple of Apollo

A.U.C. 305

8 avocavere senatum. Ubi cum ingenti consensu patrum negaretur triumphus, L. Icilius tribunus plebis tulit ad populum de triumpho consulum
9 multis dissuasum prodeuntibus, maxime C. Claudio vociferante de patribus, non de hostibus consules triumphare velle, gratiamque pro privato merito in tribunum, non pro virtute honorem peti. Numquam ante de triumpho per populum actum; semper aestimationem arbitriumque eius honoris penes senatum
10 fuisse; ne reges quidem maiestatem summi ordinis imminuisse; ne ita omnia tribuni potestatis suae implerent, ut nullum publicum consilium sinerent esse; ita demum liberam civitatem fore, ita aequatas leges, si sua quisque iura ordo, suam maiestatem
11 teneat. In eandem sententiam multa et a ceteris senioribus patrum cum essent dicta, omnes tribus eam rogationem acceperunt. Tum primum sine auctoritate senatus populi iussu triumphatum est.

LXIV. Haec victoria tribunorum plebisque prope in haud salubrem luxuriam vertit conspiratione inter tribunos facta ut iidem tribuni reficerentur, et quo sua minus cupiditas emineret, consules quoque con-
2 tinuarent magistratum. Consensum patrum causabantur, quo per contumeliam consulum iura tri-
3 bunorum plebis labefactata[1] essent. Quid futurum

[1] labefactata *DA*³ς: labe factata *A*: labefacta tum *V*: labefactor *F*: labefacta (lebe- *B*) Ω.

B.C. 449

is now, and which was called even then Apollo's Precinct. When the Fathers, meeting there, refused with great unanimity to grant a triumph, Lucius Icilius the plebeian tribune laid the issue before the people. Many came forward to dissuade them, and Gaius Claudius was particularly vehement. It was a triumph, he said, over the patricians, not Rome's enemies, which the consuls desired; they were seeking a favour in return for personal services they had done the tribune, not an honour in requital of valour. Never before had a triumph been voted by the people; the decision whether this honour had been deserved had always rested with the senate; not even the kings had infringed the majesty of the highest order in the state; let not the tribunes so dominate all things as not to suffer the existence of any public council; if each order retained its own rights and its own dignity, then, and only then, would the state be free and the laws equal for all. After many speeches had been made to the same purpose by the other older members of the senate, all the tribes voted in favour of the motion. Then, for the first time, a triumph which lacked the authorization of the senate was celebrated at the bidding of the people.[1]

LXIV. This victory of the tribunes and the commons had nearly resulted in a dangerous abuse; for the tribunes conspired together to obtain their re-election, and, that their own ambition might be less conspicuous, to procure as well the return to office of the consuls. Their pretext was the solidarity of the patricians, which had operated, by injurious treatment of the consuls, to break down the authority of the tribunes of the plebs. What

[1] It was not the last time, however (*cf.* VII. xvii. 9). Sometimes the consul triumphed without the authorization of either senate or plebs (X. xxxvii. 8), in which case the ceremony took place on the Alban Mount; sometimes by virtue of a plebiscite confirmed by resolution of the senate (IV. xx. 1). But unless granted by the senate the triumph was paid for by the victorious consul, instead of by the state.

A.U.C. 305 nondum firmatis legibus, si novos tribunos per
factionis suae[1] consules adorti essent? Non enim
semper Valerios Horatiosque consules fore, qui liber-
4 tati plebis suas opes postferrent. Forte quadam
utili ad tempus ut comitiis praeesset potissimum
M. Duillio sorte evenit, viro prudenti et ex continua-
tione magistratus invidiam imminentem cernenti.
5 Qui cum ex veteribus tribunis negaret se ullius
rationem habiturum, pugnarentque collegae ut
liberas tribus in suffragium mitteret aut concederet
sortem comitiorum collegis, habituris e lege potius
6 comitia quam ex voluntate patrum, iniecta conten-
tione Duillius consules ad subsellia accitos cum
interrogasset quid de comitiis consularibus in
animo haberent, respondissentque se novos con-
sules creaturos, auctores populares sententiae haud
popularis[2] nactus in contionem cum iis processit.
7 Ubi cum consules producti ad populum inter-
rogatique, si eos populus Romanus, memor libertatis
per illos receptae domi, memor militiae rerum[3]
gestarum, consules iterum faceret, quidnam facturi
8 essent, nihil sententiae suae mutassent, conlaudatis
consulibus quod perseverarent ad ultimum dissimiles
decemvirorum esse, comitia habuit; et quinque
tribunis plebi creatis cum prae studiis aperte peten-

[1] factionis suae *Madvig M?*: factionis sua *V*: factiones suas Ω.

[2] populares sententiae haud popularis *Stroth*: popularis sententiae haud popularis ς: popularis sententiae haud populari *V*: popularis sententiae haud populares Ω (*but for* haud *F has* auc, *BL* aut).

[3] militiae rerum *Iac. Gronovius*: militiae quae rerum *V*: militiae rerumque Ω.

would happen if, ere the laws were firmly established, the new tribunes should be assailed through the agency of consuls belonging to the patricians' own party? For there would not always be consuls like Valerius and Horatius, who preferred the liberty of the plebs to their own interests. By a fortunate chance in this emergency the superintendence of the elections fell by lot to none other than Marcus Duillius, a far-seeing man who perceived that the re-election of the magistrates would be fraught with odium. But when he asserted that he would not consider the candidacy of any of the former tribunes, his colleagues vehemently insisted that he should receive the suffrages of the tribes without restriction, or else resign the presidency of the election to his fellow-tribunes, who would conduct the voting in accordance with the law rather than the desires of the patricians. A controversy having thus arisen, Duillius summoned the consuls before the benches of the tribunes and asked them what course they meant to pursue in the consular elections; and finding, by their replying that they should have new consuls chosen, that he had got in them popular supporters of his unpopular policy, he went with them before the assembly. When the consuls, on being there brought forth to the people and asked what they would do if the Roman People, mindful of their help in the recovery of liberty at home and remembering their military successes, should again elect them to office, declined to alter their determination, Duillius first praised the consuls for persisting to the end in their unlikeness to the decemvirs, and then held the election. And after five tribunes had been chosen B.C. 449

A.U.C. 305 tium novem tribunorum alii candidati tribus non explerent, concilium dimisit nec deinde comitiorum

9 causa habuit. Satisfactum legi aiebat, quae numero nusquam praefinito tribuni modo ut relinquerentur sanciret, et ab iis qui creati essent cooptari collegas

10 iuberet; recitabatque rogationis carmen, in quo sic erat:[1] "Si tribunos plebei decem rogabo; si qui vos minus hodie decem tribunos plebei feceritis,[2] tum ut ii[3] quos hi sibi collegas cooptassint[4] legitimi eadem lege tribuni plebei sint ut illi quos hodie tribunos

11 plebei feceritis." Duillius cum ad ultimum perseverasset negando quindecim tribunos plebei rem publicam habere posse, victa collegarum cupiditate pariter patribus plebeique acceptus magistratu abiit.

A.U.C. 306–307 LXV. Novi tribuni plebis in cooptandis collegis patrum voluntatem foverunt; duos etiam patricios consularesque, Sp. Tarpeium et A. Aternium,[5] co-

2 optavere. Consules creati Sp. Herminius T. Verginius Caelimontanus, nihil magnopere ad patrum aut plebis

3 causam inclinati, otium domi ac foris habuere. L.

[1] sic erat: "Si *Foster*: sic erat *H. J. Mueller*: sic esset: "Si *Conway and Walters*: est *Madvig*: si Ω.

[2] feceritis *V*?: fecerint iis (*or* his *or* ii *or* ut *or* hi) Ω.

[3] tum ut ii *Weissenborn*: tum uti Ω.

[4] cooptassint *Rhenanus*: cooptassent *V*: cooptassent ut illi Ω: coaptassent ut illi *U*.

[5] A. Aternium *D*? *Alschefski* (*chap.* xxxi. § 5): a. aeternum Ω: a. aethernium *U*: a. aeternum *H*: a. eternium *BD*^{3}*A*.

[1] More accurately "fourteen," since the reference is to the five whose election Duillius recognized, together with the nine incumbents who claimed re-election.

and no other candidates obtained a majority of the tribes, on account of the eagerness with which the nine incumbents openly sought re-election, he dismissed the assembly, nor did he afterwards convene it for an election. He declared that the law had been satisfied, which, without anywhere prescribing the number, provided only that the tribunate should not be left vacant; and directed that those who had been elected should co-opt colleagues. He recited too the formula of the announcement, in which the following words occurred: "If I shall call for your suffrages for ten tribunes of the plebs; if for any reason you shall elect to-day less than ten tribunes of the plebs, then let those whom the elected tribunes co-opt as their colleagues be as legally tribunes of the plebs as those whom you shall this day have chosen to that office." Having persevered to the end in denying that the state could have fifteen plebeian tribunes,[1] and having defeated the cupidity of his colleagues, Duillius laid down his magistracy, approved by patricians and plebs alike. B.C. 449

LXV. The new tribunes of the plebs consulted the wishes of the nobles in the co-optation of colleagues; they even chose two who were patricians and ex-consuls, Spurius Tarpeius and Aulus Aternius.[2] The new consuls, Spurius Herminius and Titus Verginius Caelimontanus, being specially devoted neither to the cause of the patricians nor to that of the plebs, enjoyed a peaceful year both at home B.C. 448–447

[2] The *lex sacrata* (II. xxxiii. 1) denied patricians access to the tribunate, but apparently there was at this time a disposition to wink at their co-optation. Tarpeius and Aternius had been consuls in 454 B.C.

A.U.C. 306-307

Trebonius tribunus plebis, infestus patribus quod se ab iis[1] in cooptandis tribunis fraude captum proditumque a collegis aiebat, rogationem tulit ut qui
4 plebem Romanam tribunos plebi rogaret, is usque eo rogaret dum decem tribunos plebi faceret; insectandisque patribus, unde Aspero etiam inditum est cognomen, tribunatum gessit.

5 Inde M. Geganius Macerinus[2] et C. Iulius consules facti contentiones tribunorum adversus nobilium iuventutem ortas sine insectatione potestatis eius
6 conservata maiestate patrum sedavere. Plebem decreto ad bellum Volscorum et Aequorum dilectu sustinendo rem ab seditionibus continuere, urbano otio foris quoque omnia tranquilla esse adfirmantes,
7 per discordias civiles externos tollere animos. Cura pacis concordiae quoque intestinae causa fuit. Sed alter semper ordo gravis alterius modestiae erat; quiescenti plebi ab iunioribus patrum iniuriae fieri
8 coeptae. Ubi tribuni auxilio humilioribus essent, in primis parum proderat; deinde ne ipsi quidem inviolati erant, utique postremis mensibus, cum et per coitiones potentiorum iniuria fieret et vis potestatis omnis aliquanto posteriore anni parte languidior
9 ferme esset. Iamque plebs ita in tribunatu ponere

[1] ab iis *V*?: ab hiis *A*: ab his Ω.
[2] Macerinus *Sigonius* (IV. viii. 1; IV. xvii. 7): macrinus *UO*: m̄. acrinus *MPFB*: m̄. agrinus *HRDLA*.

[1] When they co-opted patricians.

B.C. 448-447

and abroad. Lucius Trebonius, a tribune of the commons, being angry with the patricians, because, as he said, he had been defrauded by them in the co-optation of the tribunes and had been betrayed by his colleagues,[1] proposed a law that he who called upon the Roman plebs to elect tribunes should continue to call upon them until he should effect the election of ten; and he so baited the nobles during his year of office as even to gain the surname of *Asper*, or "the Truculent."

Next, Marcus Geganius Macerinus and Gaius Julius became consuls, and assuaged the strife of the tribunes with the young nobles, without censuring those magistrates or sacrificing the dignity of the patricians. They withheld the plebs from sedition by suspending a levy which had been decreed with a view to making war on the Volsci and the Aequi, averring that so long as the City was quiet their foreign relations were likewise entirely peaceful; that it was discord in Rome which made other nations take heart. The pains they were at to maintain peace were also productive of internal harmony. But the one order was always taking advantage of the moderation of the other; the plebs were tranquil, but the younger patricians began to insult them. When the tribunes attempted to assist the lowly, at first their services were of little effect; and later they did not even escape violence themselves, especially in the last months of their term, since not only were wrongs committed through cabals of the more powerful, but the effectiveness of every magistrate rather languished, as a rule, in the latter part of the year. By this time the plebs had ceased to count upon

A.U.C. 306-307
aliquid spei, si similes Icilio tribunos haberet: nomina
10 tantum se biennio habuisse. Seniores contra patrum,
ut nimis feroces suos credere iuvenes esse, ita malle,
si modus excedendus esset, suis quam adversariis
11 superesse animos. Adeo moderatio tuendae liber-
tatis, dum aequari velle simulando ita se quisque
extollit ut deprimat alium, in difficili est, cavendoque
ne metuant, homines metuendos ultro se efficiunt, et
iniuriam a nobis repulsam, tamquam aut facere aut
pati necesse sit, iniungimus aliis.

A.U.C. 308
LXVI. T. Quinctius Capitolinus quartum et
Agrippa Furius consules inde facti nec seditionem
domi nec foris bellum acceperunt; sed imminebat
2 utrumque. Iam non ultra[1] discordia civium reprimi
poterat et tribunis et plebe incitata in patres, cum
dies alicui nobilium dicta novis semper certaminibus
3 contiones turbaret. Ad quarum primum strepitum
velut signo accepto arma cepere Aequi ac Volsci,
simul quod persuaserant iis duces, cupidi praedarum,
biennio ante dilectum indictum haberi non potuisse
abnuente iam plebe imperium; eo adversus se non
4 esse[2] missos exercitus. Dissolvi licentia militandi

[1] non ultra Ω: nec ultra *V*.
[2] esse Ω: nosse *V*.

B.C. 448-447
the tribunate, unless they could have tribunes like Icilius; for two years they had had mere names. The elder patricians, for their part, though they thought their young men too headstrong, yet preferred, if moderation must be left behind, that the excess of spirits should be on their side rather than with their adversaries. So difficult is it to be moderate in the defence of liberty, since everyone, while pretending to seek fair-play, so raises himself as to press another down; while insuring themselves against fear, men actually render themselves fearful to others; and having defended ourselves from an injury, we proceed—as though it were necessary either to do or suffer wrong—to inflict injury upon our neighbour.

B.C. 446
LXVI. Titus Quinctius Capitolinus (for the fourth time) and Agrippa Furius were then made consuls. They experienced neither domestic sedition nor foreign war, but were threatened with both. The strife between citizens could now no longer be repressed, since tribunes and plebs alike were inflamed against the patricians, and the trial of one or another of the nobles was continually embroiling the assemblies in new quarrels. At the first disturbance in these meetings the Aequi and Volsci took up arms, as though they had received a signal, and also because their leaders, being eager for plunder, had convinced them that the Romans had found it impossible, the year before, to carry out the levy which they had proclaimed, since the plebs were no longer amenable to authority; and that this had been the reason why armies were not dispatched against themselves. Lawlessness was breaking down their martial traditions, nor was

A.U.C. 308
morem, nec pro communi iam patria Romam esse.
Quidquid irarum simultatiumque cum externis fuerit
in ipsos verti. Occaecatos lupos intestina rabie
5 opprimendi occasionem esse. Coniunctis exercitibus
Latinum primum agrum perpopulati sunt; deinde
postquam ibi nemo vindex occurrebat, tum vero
exsultantibus belli auctoribus ad moenia ipsa Romae
populabundi regione portae Esquilinae accessere
vastationem agrorum per contumeliam urbi osten-
6 tantes. Unde postquam inulti praedam prae se
agentes retro ad Corbionem agmine iere, Quinctius
consul ad contionem populum vocavit.

LXVII. Ibi in hanc sententiam locutum accipio:
"Etsi mihi nullius noxae conscius, Quirites, sum,
tamen cum pudore summo in contionem in con-
spectum vestrum[1] processi. Hoc vos scire, hoc
posteris memoriae traditum iri, Aequos et Volscos,
vix Hernicis modo pares, T. Quinctio quartum con-
sule ad moenia urbis Romae impune armatos venisse!
2 Hanc ego ignominiam, quamquam iam diu ita vivitur
ut[2] nihil boni divinet animus, si huic potissimum
imminere anno scissem, vel exsilio vel morte, si alia
3 fuga honoris non esset, vitassem. Ergo si viri arma
illa habuissent quae in portis fuere nostris, capi Roma
me consule potuit. Satis honorum, satis superque

[1] in contionem in conspectum vestrum *Walters*: in contionem (*or* conc-) vestram Ω: in conspectum ves . . . m *V*.
[2] vivitur ut *Karsten*: uiuitur is status rerum est ut (*cf. note of Conway and Walters*) Ω.

[1] Alluding to the wolf that suckled Romulus and Remus.

Rome any longer a united nation; all the hostility and quarrelsomeness they had formerly entertained towards other nations was now being turned against themselves; the wolves[1] were blinded with mad rage at one another, and there was now an opportunity to destroy them. Combining their armies, they first desolated the country of the Latins, and then, when it appeared that there was no one in that region to punish them, they carried their marauding, amidst the triumphant rejoicings of the advocates of war, to the very walls of Rome, in the direction of the Esquiline Gate, where they insolently exhibited to the inhabitants of the City the devastation of their lands. After they had withdrawn unmolested, and driving their booty before them had marched to Corbio, the consul Quinctius summoned the people to an assembly. B.C. 446

LXVII. There he spoke, as I understand, to the following effect: "Although I am conscious, Quirites, of no wrong-doing, nevertheless it is with great shame that I have come to this assembly to confront you. To think that you know, to think that future generations will be told, that the Aequi and the Volsci, but now scarce a match for the Hernici, have in the fourth consulship of Titus Quinctius approached the walls of the City of Rome—with impunity, and armed! We have now for a long time been living under such conditions that my mind could foresee nothing good; yet had I known that such a disgrace was in store for this year, of all others, I should have shunned it even at the cost of exile or of death, in default of other means of escaping office. So! Had they been men whose swords were there at our gates, Rome might have been captured in my consulship!

A.U.C. 308
4 vitae erat; mori consulem tertium oportuit. Quem
tandem ignavissimi hostium contempsere? Nos con-
sules an vos, Quirites? Si culpa in nobis est, auferte
imperium indignis, et si id parum est, insuper poenas
5 expetite: si in vobis, nemo deorum nec hominum
sit qui vestra puniat peccata, Quirites: vosmet tan-
tum eorum paeniteat. Non illi vestram ignaviam
contempsere nec suae virtuti confisi sunt; quippe
totiens fusi fugatique, castris exuti, agro multati, sub
6 iugum missi et se et vos novere: discordia ordinum
et[1] venenum urbis huius, patrum ac plebis certa-
mina, dum nec nobis imperii nec vobis libertatis
est modus, dum taedet vos patriciorum, nos[2] plebei-
7 orum magistratuum, sustulere illis[3] animos. Pro
deum fidem quid vobis voltis? Tribunos plebis con-
cupistis; concordiae causa concessimus. Decemviros
desiderastis; creari passi sumus. Decemvirorum vos
8 pertaesum est; coegimus abire magistratu. Manente
in eosdem privatos ira vestra mori atque exsulare
nobilissimos viros honoratissimosque passi sumus.
9 Tribunos plebis creare iterum voluistis; creastis;
consules facere vestrarum partium; etsi patribus
videbamus iniquum, patricium quoque magistratum
plebi donum fieri vidimus.[4] Auxilium tribunicium,

[1] et *Madvig VD?*: est Ω. [2] nos *Gruter V*: hos Ω.
[3] illis *Clericus*: illi Ω.
[4] vidimus *Welz*: quidem Ω: quid . . *V*.

I had enjoyed honours enough, I had had enough, B.C. 446
and more than enough, of life; death should have come to me in my third consulship. For whom, pray, did the most dastardly of our enemies feel such contempt? For us, the consuls, or for you, Quirites? If the fault is ours, deprive us of authority we do not merit; and if that is not enough, then punish us to boot: if yours, may neither god nor man seek to punish your sins, Quirites; only may you yourselves repent of them! It was not cowardice in you that they despised, nor was it their own courage in which they put their trust; in truth they have been too often beaten and routed, despoiled of their camps, stripped of their lands, and sent under the yoke, not to know both themselves and you: it was the discord betwixt the classes, and the quarrels—poison of this City—between the patricians and the plebs that roused their hopes, as they beheld our greed for power and yours for liberty; your disgust at the patrician magistracies and ours at the plebeian. In Heaven's name what would you have? You conceived a longing for tribunes of the plebs; for the sake of harmony we granted them. You desired decemvirs; we allowed them to be elected. You grew exceedingly weary of the decemvirs; we compelled them to abdicate. When your resentment against them persisted in their retirement to private life, we permitted men of the highest birth and the most distinguished careers to suffer death and exile. Again you desired to choose tribunes of the plebs, and chose them; to appoint consuls of your own faction, and though we saw that this was unfair to the patricians, we beheld even the patrician magistracy presented to the plebs. That you should

A.U.C. 308

provocationem ad populum, scita plebis iniuncta patribus, sub titulo aequandarum legum nostra iura
10 oppressa tulimus et ferimus. Qui finis erit discordiarum? Ecquando[1] unam urbem habere, ecquando communem hanc esse patriam licebit? Victi nos
11 aequiore animo quiescimus quam vos victores. Satisne est nobis vos metuendos esse? Adversus nos Aventinum capitur, adversus nos Sacer occupatur mons; Esquilias vidimus ab hoste prope captas, et scandentem in aggerem Volscum. Hostem[2] nemo submovit: in nos viri, in nos armati estis.

LXVIII. "Agitedum, ubi hic curiam circumsederitis et forum infestum feceritis et carcerem impleveritis principibus, iisdem istis ferocibus animis
2 egredimini extra portam Esquilinam, aut si ne hoc quidem audetis, ex muris visite agros vestros ferro ignique vastatos, praedam abigi, fumare incensa
3 passim tecta. At enim communis res per haec loco est peiore; ager uritur, urbs obsidetur, belli gloria penes hostes est. Quid tandem? Privatae res vestrae quo statu sunt? Iam unicuique ex agris
4 sua damna nuntiabuntur. Quid est tandem domi

[1] ecquando ς: et quando Ω (*so also at the second occurrence of the expression, but there V has* ecquando).
[2] Volscum. Hostem *Madvig's punctuation.*

enjoy the support of tribunes and the right of appeal to the people; that the decrees of the plebs should be made binding upon the patricians; that on the pretext of equalizing the laws our rights should be trodden under foot—all this we have endured and are now enduring. What end will there be to our dissensions? Will a time ever come when we can have a united City? Will a time ever come when this can be our common country? We, the beaten party, accept the situation with more equanimity than do you, the victors. Is it not enough that we must fear you? It was against us that the Aventine was taken; against us that the Sacred Mount was occupied; we have seen the Esquiline almost captured by the enemy, and the Volscian mounting our rampart. The enemy found none to drive him back; against us you show your manhood; against us you have drawn the sword. B.C. 446

LXVIII. "Come now, when you have laid siege to the senate-house here, and rendered the Forum unsafe, and filled the gaol with our leading men, go out in that same valorous spirit beyond the Esquiline Gate; or if your courage is not equal even to that, behold from the walls how your fields have been laid waste with fire and sword, how your cattle are being driven off, while far and wide the smoke is rising from burning buildings. 'But,' you may say, 'it is the community that suffers by these things: the fields are burned; the City is besieged; the glory of the war rests with the enemy.' How now? In what plight are your private interests? Every man of you will presently be getting from the country a report of his personal losses. Pray what resources do you command for

A.U.C. 308 unde ea expleatis? Tribuni vobis amissa reddent
ac restituent? Vocis verborumque quantum voletis
ingerent et criminum in principes et legum aliarum
super alias et contionum; sed ex illis contionibus
nunquam vestrum quisquam re, fortuna domum
5 auctior rediit. Ecquis rettulit aliquid ad coniugem
ac liberos praeter odia offensiones simultates publicas
privatasque? A quibus semper non vestra virtute
6 innocentiaque, sed auxilio alieno tuti sitis. At her-
cules cum stipendia nobis consulibus, non tribunis
ducibus, et in castris, non in foro faciebatis, et in
acie vestrum clamorem hostes, non in contione patres
Romani horrebant, praeda parta, agro ex hoste
capto, pleni fortunarum gloriaeque simul publicae
simul privatae triumphantes domum ad penates
redibatis: nunc oneratum vestris fortunis hostem
7 abire sinitis. Haerete adfixi contionibus et in foro
vivite: sequetur[1] vos necessitas militandi quam
fugitis. Grave erat in Aequos et Volscos proficisci:
ante portas est bellum. Si inde non pellitur, iam
intra moenia erit et arcem et Capitolium scandet et
8 in domos vestras vos persequetur. Biennio ante
senatus dilectum haberi et educi exercitum in
Algidum iussit: sedemus desides domi mulierum
ritu inter nos altercantes, praesenti pace laeti nec

[1] sequetur *V*: sequitur Ω.

supplying the want of these things? Shall the tribunes restore and make good to you your losses? Resounding words they will pour forth to your hearts' content, and accusations against prominent men, and laws one after another, and assemblies; but from those assemblies there was never one of you returned home the better off in circumstances or in fortune. Has ever one of you carried aught back to wife and children but animosities, complaints, and quarrels, both public and private?—from which you always fly for refuge, not to your own bravery and innocence, but to the help of others. But, by Hercules! when you used to serve under us, the consuls, instead of under tribunes, and in camp instead of in the Forum; when your shout was raised in the battle-line, not the assembly, and caused not the Roman nobles but the enemy to shudder;—in those days, I say, you were wont to capture booty, to strip the enemy of his lands, and crowned with success and glory—for the state no less than for yourselves—to return in triumph to your homes and your household gods; now you suffer the foe to load himself with your riches and depart. Hold fast to your assemblies and live your lives in the Forum; you shall still be pursued by the necessity of that service which you seek to evade. It was hard to march against the Aequi and Volsci; the war is before your gates. If it is not driven back, it will soon be within the walls and will scale Citadel and Capitol and pursue you into your homes. Last year the senate commanded that an army should be levied and led out to Algidus: we are still sitting idly at home, scolding each other like so many women, rejoicing in the temporary peace, and not perceiving that we shall soon be B.C. 446

A.U.C. 808 cernentes ex otio illo brevi multiplex bellum reditu-
9 rum. His ego gratiora dictu alia esse scio; sed me vera pro gratis loqui, etsi meum ingenium non moneret, necessitas cogit. Vellem equidem vobis placere, Quirites; sed multo malo vos salvos esse,
10 qualicumque erga me animo futuri estis. Natura hoc ita comparatum est ut qui apud multitudinem sua causa loquitur gratior eo sit cuius mens nihil praeter publicum commodum videt; nisi forte adsentatores publicos, plebicolas istos, qui vos nec in armis nec in otio esse sinunt, vestra vos causa incitare
11 et stimulare putatis. Concitati aut honori aut quaestui illis estis, et quia in concordia ordinum nullos se usquam esse vident, malae rei se quam
12 nullius duces[1] esse volunt. Quarum rerum si vos taedium tandem capere potest et patrum vestrosque antiquos mores voltis pro his novis sumere, nulla
13 supplicia recuso, nisi paucis diebus hos populatores agrorum nostrorum fusos fugatosque castris exuero et a portis nostris moenibusque ad illorum urbes hunc belli terrorem quo nunc vos attoniti estis transtulero."

LXIX. Raro alias tribuni popularis oratio acceptior
2 plebi quam tunc severissimi consulis fuit. Iuventus quoque, quae inter tales metus detractationem militiae telum acerrimum adversus patres habere

[1] duces *Karsten*: turbarum ac seditionum duces Ω.

paying for this brief repose with a war many times B.C. 446 as great. I know that there are other things more pleasant to hear; but even if my character did not prompt me to say what is true in preference to what is agreeable, necessity compels me. I could wish to give you pleasure, Quirites, but I had far sooner you should be saved, no matter what your feeling towards me is going to be. It has been ordained by nature that he who addresses a crowd for his own selfish ends should be more acceptable to it than he whose mind regards nothing but the general welfare; unless perhaps you suppose that it is for your sakes that the public flatterers—I mean your courtiers of the plebs, who will suffer you neither to be at war nor to keep the peace—are exciting you and urging you on. Once thoroughly aroused you are a source of political advancement or of profit to them; and because they see that so long as the orders are harmonious they themselves count for nothing anywhere, they had rather lead an evil cause than none. If you are capable at last of feeling a disgust for these things, and are willing to resume your fathers' and your own old-fashioned manners, in place of these new-fangled ones, I give you leave to punish me as you like, if within a few days I have not defeated and routed these devastators of our fields, stripped them of their camp, and shifted this alarm of war which now dismays you from our gates and walls to the cities of our enemies."

LXIX. Rarely has the speech of a popular tribune been more agreeable to the plebs than was at that time this speech by the sternest of consuls. Even the young men, who amid such alarms were wont to regard a refusal to enlist as their sharpest weapon

A.U.C. 308 solita erat, arma et bellum spectabat. Et agrestium fuga spoliatique in agris et volnerati, foediora iis quae subiciebantur oculis nuntiantes, totam urbem
3 ira implevere. In senatum ubi ventum est, ibi vero in Quinctium omnes versi ut unum vindicem maiestatis Romanae intueri, et primores patrum dignam dicere contionem imperio consulari, dignam tot consulatibus ante actis, dignam vita omni, plena[1]
4 honorum saepe gestorum, saepius meritorum. Alios consules aut per proditionem dignitatis patrum plebi adulatos aut acerbe tuendo iura ordinis asperiorem domando multitudinem fecisse: T. Quinctium orationem memorem maiestatis patrum concordiaeque
5 ordinum et temporum in primis habuisse. Orare eum collegamque ut capesserent rem publicam; orare tribunos ut uno animo cum consulibus bellum ab urbe ac moenibus propulsari vellent plebemque oboedientem in re tam trepida patribus praeberent; appellare tribunos communem patriam auxiliumque eorum implorare vastatis agris, urbe prope oppugnata.
6 Consensu omnium dilectus decernitur habeturque. Cum consules in contione pronuntiassent tempus non esse causas cognoscendi; omnes iuniores postero

[1] plena Ω: plenam *MRDL*.

against the nobles, began to look forward to war B.C. 446 and arms. And the flight of the country-people and the presence of those who had been plundered while on their farms and wounded, and who reported worse outrages than those which met the eyes of the citizens, filled all Rome with resentment. When the senate had met, then in truth all turned to Quinctius, whom they looked on as the sole champion of Roman majesty. The foremost senators declared that his speech had been worthy of the consular authority, worthy of the many consulships he had held in the past, worthy of his whole life, crowded as it had been with honours which, often as he had received them, he had still oftener deserved. Other consuls had either flattered the plebs by betraying the dignity of the patricians, or by harshly inforcing the rights of their order had exasperated the populace while seeking to subjugate them; Titus Quinctius had spoken without forgetting the dignity of the patricians, or the harmony of the orders, or—what was particularly important—the existing crisis. They begged him and his colleague to undertake the guidance of the state; they besought the tribunes to unite with the consuls in a single-minded effort to repel their enemies from the walls of the City, and to cause the plebs to yield obedience to the patricians in so alarming a situation; the appeal to the tribunes came, they said, from their common country, which implored their assistance for its wasted fields and its well-nigh beleaguered City. By general consent a levy was proclaimed and held. The consuls announced in the assembly that there was no time to consider excuses; that all the juniors should present them-

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7 die prima luce in campo Martio adessent; cognoscendis causis eorum qui nomina non dedissent bello perfecto se daturos tempus; pro desertore futurum cuius non probassent causam;—omnis iuventus adfuit
8 postero die. Cohortes sibi quaeque centuriones legerunt, bini senatores singulis cohortibus praepositi. Haec omnia adeo mature perfecta accepimus ut signa eo ipso die a quaestoribus ex aerario prompta delataque in campum quarta diei hora mota ex campo sint exercitusque novus paucis cohortibus veterum militum voluntate sequentibus manserit ad decimum
9 lapidem. Insequens dies hostem in conspectum dedit, castraque ad Corbionem castris sunt coniuncta.
10 Tertio die, cum ira Romanos, illos, cum totiens rebellassent, conscientia culpae ac desperatio inritaret, mora dimicandi nulla est facta.

LXX. In exercitu Romano cum duo consules essent potestate pari, quod saluberrimum in administratione magnarum rerum est, summa imperii concedente Agrippa penes collegam erat; et praelatus ille facilitati[1] summittentis se comiter respondebat communicando consilia laudesque et aequando im-
2 parem sibi. In acie Quinctius dextrum cornu, Agrippa sinistrum tenuit; Sp. Postumio Albo legato

[1] facilitati $U\varsigma$: facilitate Ω.

[1] On the Latin Way.

selves at dawn of the following day in the Campus Martius; that they would take time when the war was over to listen to the excuses of those who had failed to hand in their names; and that any man whose excuse they did not approve would be treated as a deserter. Next day the entire body of young men appeared. The cohorts each chose their own centurions, and two senators were put in command of every cohort. We are told that all these measures were carried out so promptly that the standards were fetched from the treasury by the quaestors that very day, and being carried to the Campus Martius, headed the line of march from the mustering ground at ten o'clock in the morning; and the newly recruited army, with the voluntary escort of a few cohorts of veterans, encamped over night at the tenth mile-stone.[1] The following day brought the enemy into view, and the Roman camp was established close to theirs, near Corbio. On the third day, the Romans being urged on by indignation, and the enemy, who had so often revolted, by the consciousness of their guilt and by despair, no attempt was made to delay the battle. B.C. 446

LXX. Although the two consuls were of equal authority in the Roman army, yet they made an arrangement which is extremely advantageous in the administration of important measures, by which Agrippa yielded the supreme command to his colleague. The latter, thus preferred, responded courteously to the ready self-effacement of the other by admitting him to a share in his plans and his achievements, and treating him as an equal, despite his inferiority. In the battle-line Quinctius held the right wing, Agrippa the left; to Spurius Postumius

A.U.C. 308 datur media acies tuenda, legatum alterum P. Sul-
3 picium equitibus praeficiunt. Pedites ab dextro cornu egregie pugnavere haud segniter resistentibus
4 Volscis. P. Sulpicius per mediam hostium aciem cum equitatu perrupit. Unde cum eadem reverti posset ad suos priusquam hostis turbatos ordines reficeret, terga impugnare hostium satius visum est; momentoque temporis in aversam incursando aciem ancipiti terrore dissipasset hostes, ni suo proprio eum proelio equites Volscorum et Aequorum ex-
5 ceptum aliquamdiu tenuissent. Ibi vero Sulpicius negare cunctandi tempus esse, circumventos interclusosque ab suis vociferans, ni equestre proelium
6 conixi omni vi perficerent. Nec fugare equitem integrum satis esse: conficerent equos virosque, ne quis reveheretur inde ad proelium aut integraret pugnam; non posse illos resistere sibi, quibus[1] con-
7 ferta peditum acies cessisset. Haud surdis auribus dicta. Impressione una totum equitatum fudere, magnam vim ex equis praecipitavere, ipsos equosque
8 spiculis confodere. Is finis pugnae equestris fuit. Tunc adorti peditum aciem nuntios ad consules rei gestae mittunt, ubi iam inclinabatur hostium acies. Nuntius deinde et vincentibus Romanis animos auxit

[1] sibi, quibus Ω: quibus sibi *MPFUB*: quibus *Conway* (*in note*).

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[1] Livy is thinking chiefly of Quinctius. From § 10 it appears that Agrippa's victory came later.

Albus, the lieutenant, they gave the centre in charge; and the other lieutenant, Publius Sulpicius, they put in command of the horse. The infantry on the right fought brilliantly, and were vigorously resisted by the Volsci. Publius Sulpicius broke through the enemy's centre with his cavalry. He might have returned to the Roman side the way he went, before the enemy could re-form their broken ranks; but it seemed better to assail them in the rear. It would have been but the work of a moment to charge them from behind and throw them into confusion between the two attacks; but the Volscian and Aequian cavalry met him with his own kind of troops and held him in check for some little while. Thereupon Sulpicius cried out that there was no time for hesitation; they were surrounded and cut off from their fellows, unless they put forth all their might and disposed of the enemy's cavalry. Nor was it enough to rout them and let them get safely off; they must destroy them, horse and man, that none might ride back into the battle or renew the fight. It would be impossible, he said, for their cavalry to resist his men, when the close ranks of their infantry had given way before them. His words did not fall upon deaf ears. With a single rush the Romans routed the entire body of cavalry. Hurling great numbers of them from their horses, they transfixed men and steeds with their javelins. This ended the cavalry-battle. Then they fell upon the hostile infantry, and sent off gallopers to announce their success to the consuls, where the enemy's line was already beginning to give way.[1] The tidings at once aroused fresh ardour in the conquering Romans and B.C. 446

A.U.C. 308 9 et referentes gradum perculit Aequos. In media
primum acie vinci coepti, qua permissus equitatus
10 turbaverat ordines; sinistrum deinde cornu ab
Quinctio consule pelli coeptum; in dextro plurimum
laboris fuit. Ibi Agrippa, aetate viribusque ferox,
cum omni parte pugnae melius rem geri quam apud
se videret, arrepta[1] signa ab signiferis ipse inferre,
quaedam iacere etiam in confertos hostes coepit;
11 cuius ignominiae metu concitati milites invasere
hostem. Ita aequata ex omni parte victoria est
Nuntius tum a Quinctio venit victorem iam se im-
minere hostium castris; nolle inrumpere antequam
12 sciat debellatum et in sinistro cornu esse: si iam
fudisset hostes, conferret ad se signa, ut simul omnis
13 exercitus praeda potiretur. Victor Agrippa cum
mutua gratulatione ad victorem collegam castraque
hostium venit. Ibi paucis defendentibus momentoque
fusis sine certamine in munitiones inrumpunt, prae-
daque ingenti compotem exercitum suis etiam rebus
reciperatis quae populatione agrorum amissae erant
14 reducunt. Triumphum nec ipsos postulasse nec
delatum iis ab senatu accipio, nec traditur causa

[1] arrepta *Duker*: accepta Ω.

filled the faltering Aequi with confusion. It was B.C. 446
in the centre that their defeat began, where the attack of the troopers had thrown their ranks into disorder; then the left wing began to fall back before the consul Quinctius. The Romans experienced most difficulty on the right; there Agrippa, young, active, and courageous, perceiving that the battle was everywhere going better than on his own front, snatched the standards from the men who bore them, and began to carry them forward himself, and even to fling some of them into the press of the enemy. The disgrace with which his soldiers were thus threatened spurred them to the attack, and the victory was extended to every part of the line. A message then came from Quinctius, saying that he had beaten the enemy and was already threatening their camp, but did not wish to storm it until he knew that the fight had been decided on the left wing also; if Agrippa had already defeated his opponents, let him bring up his troops, that the entire army might enter together into possession of the spoils. The victorious Agrippa accordingly joined his victorious colleague, with mutual congratulations, in front of the enemy's camp. Its handful of defenders was speedily put to flight, and the Romans burst into the entrenchments without encountering resistance. The consuls led their army back to the City laden with a vast quantity of booty, as well as with the goods which they had lost by the pillage of their fields but had now recovered. I do not find either that the consuls themselves asked for a triumph or that one was offered them by the senate; nor is there any record of the reason why

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15 spreti aut non sperati honoris. Ego quantum in tanto intervallo temporum conicio, cum Valerio atque Horatio consulibus, qui praeter Volscos et Aequos Sabini etiam belli perfecti gloriam pepererant, negatus ab senatu triumphus esset, verecundiae fuit pro parte dimidia rerum consulibus petere triumphum, ne etiamsi impetrassent magis hominum ratio quam meritorum habita videretur.

LXXI. Victoriam honestam ex hostibus[1] partam turpe domi de finibus sociorum iudicium populi
2 deformavit. Aricini atque Ardeates de ambiguo agro cum saepe bello certassent, multis in vicem cladibus fessi iudicem populum Romanum cepere.
3 Cum ad causam orandam venissent, concilio populi a magistratibus dato magna contentione actum. Iamque editis testibus cum tribus vocari et populum inire suffragium oporteret, consurgit P. Scaptius de plebe magno natu et "Si licet" inquit, "consules, de re publica dicere, errare ego populum in hac
4 causa non patiar." Cum ut vanum eum negarent consules audiendum esse vociferantemque prodi publicam causam submoveri iussissent, tribunos appel-
5 lat. Tribuni, ut fere semper reguntur a multitudine

[1] ex hostibus Ω: omitted in *HRDLA*.

they despised the honour or did not hope for it. B.C. 446
The best conjecture I myself can offer, after so long an interval of time, is this: since the consuls Valerius and Horatius, who besides beating the Volsci and Aequi had also attained renown by bringing the Sabine war to a successful conclusion, had been refused a triumph by the senate, they were ashamed to ask for that distinction in recompense of an achievement only half as great, lest even if it should be granted, it might seem that account had been taken rather of persons than of deserts.

LXXI. The glory of defeating the enemy was sullied by a shameful judgment given by the people in Rome regarding the boundaries of her allies. The men of Aricia and those of Ardea had often gone to war over a territory which both cities claimed. Exhausted by the many defeats which each had experienced, they referred their quarrel to the Roman People for decision. When they had come to plead their cause, and a popular assembly had been granted them by the magistrates, they argued their respective claims with great vehemence. The testimony had already been taken, and the time had come for the tribes to be summoned and the people to give their votes, when Publius Scaptius, an aged plebeian, arose and said: "If I am permitted, consuls, to speak concerning the nation's interests, I will not suffer the people to go wrong in this matter." The consuls declared that he was an untrustworthy fellow and ought not to be listened to, and when he protested noisily that the public cause was being betrayed, they ordered him to be removed; whereat he appealed to the tribunes. The tribunes, as almost always

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magis quam regunt, dedere cupidae audiendi plebi
6 ut quae vellet Scaptius diceret. Ibi infit annum se tertium et octogensimum agere et in eo agro de quo agitur militasse, non iuvenem, vicesima iam stipendia merentem, cum ad Coriolos sit bellatum. Eo rem se vetustate oblitteratam, ceterum suae memoriae
7 infixam adferre, agrum de quo ambigitur finium Coriolanorum fuisse captisque Coriolis iure belli publicum populi Romani factum. Mirari se quonam ore[1] Ardeates Aricinique, cuius agri ius nunquam usurpaverint incolumi Coriolana re, eum se a populo Romano, quem pro domino iudicem fecerint, inter-
8 cepturos sperent. Sibi exiguum vitae tempus superesse; non potuisse se tamen inducere in animum quin, quem agrum miles pro parte virili manu cepisset, eum senex quoque voce, qua una posset, vindicaret. Magnopere se suadere populo, ne inutili pudore suam ipse causam damnaret.

LXXII. Consules, cum Scaptium non silentio modo, sed cum adsensu etiam audiri animadvertissent, deos hominesque testantes flagitium ingens fieri
2 patrum primores arcessunt. Cum iis circumire tribus,[2] orare ne pessimum facinus peiore exemplo

[1] ore *M*? *D*²? *Klock*: in more *D*: more Ω.
[2] tribus *Perizonius*: tribunos Ω.

happens, were swayed by the crowd, instead of swaying it, and, to please the greedy ears of the plebs, gave Scaptius leave to say what he wished. He therefore began, and said that he was eighty-two years old and had fought in the army, in that district which was under discussion, not as a youth, but as one already in his twentieth year of service at the time of the campaign before Corioli. Hence it came that he was telling them of a matter forgotten with the lapse of years, but fixed in his own memory, namely that the disputed land had been a part of the territory of Corioli, and had consequently, on the capture of that town, become, by right of conquest, the property of the Roman People. He marvelled, he said, at the effrontery with which the men of Ardea and Aricia hoped to deprive the Roman People—whom they had made the judge, in place of being the owner—of a territory over which they had never exercised any authority so long as the state of Corioli was intact. He had himself but a little while to live; yet he had not been able to convince himself that, having as a soldier done his part to conquer the land, he should not defend it, even in his old age, with the only weapon left him, to wit his voice. He earnestly counselled the people not to condemn their own cause from an unreasonable motive of propriety.

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LXXII. When the consuls had perceived that Scaptius was listened to not only in silence but actually with approval, they called on gods and men to witness that a great outrage was being perpetrated, and sent for the leaders of the senate. With them they went about among the tribes and implored

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admitterent iudices in suam rem litem vertendo, cum praesertim etiam si fas sit curam emolumenti sui iudici esse, nequaquam tantum agro intercipiendo adquiratur, quantum amittatur alienandis iniuria so-
3 ciorum animis. Nam famae quidem ac fidei damna maiora esse quam quae aestimari possent. Hoc legatos referre domum, hoc volgari, hoc socios audire, hoc
4 hostes, quo cum dolore hos, quo cum gaudio illos! Scaptione[1] hoc, contionali seni, adsignaturos putarent finitimos populos? Clarum hac fore imagine Scaptium; sed[2] populum Romanum quadruplatoris et
5 interceptoris litis alienae personam laturum. Quem enim hoc privatae rei iudicem fecisse ut sibi controversiosam adiudicaret rem? Scaptium ipsum id quidem, etsi praemortui iam sit pudoris, non fac-
6 turum. Haec consules, haec patres vociferantur; sed plus cupiditas et auctor cupiditatis Scaptius valet. Vocatae tribus iudicaverunt agrum publicum populi
7 Romani esse. Nec abnuitur ita fuisse, si ad iudices alios itum foret; nunc haud sane quicquam bono

[1] Scaptione R^2A^2 (*or* A^3): scaptioni Ω: sp cationi *D*: spacioni *A*.
[2] Scaptium; sed *Alschefski*: scaptium esse Ω.

them not to be guilty of an act which, utterly wrong B.C. 446
in itself, would establish a precedent that was even worse, by diverting to their own possession, as judges, the property in dispute; and that too when, even if it were right that a judge should be concerned for his own advantage, they would by no means gain so much by the seizure of the land as they would lose by the wrongful estrangement of their allies. For reputation at least and trustworthiness were things the loss of which was beyond all reckoning. Was this to be the report carried home by the envoys? Was this to be noised abroad and come to the ears of allies and enemies? What grief it would cause the former, and what joy the latter! Did they suppose that Scaptius, a meddling old hanger-on of assemblies, would be held responsible for this by the neighbouring nations? It would be a famous thing for Scaptius to have inscribed beneath his portrait, but the Roman People would be playing a rôle of chicanery and of usurpation of the claims of others. For what umpire in a private suit would have thought of awarding to himself the object of litigation? Even Scaptius, though he had already outlived all sense of shame, would not do that. These arguments were loudly urged both by the consuls and by the Fathers; but they were less convincing than men's cupidity, or than Scaptius, who had aroused it. The tribes, being called upon to vote, decided the territory to be public land belonging to the Roman People. Nor is it denied that such would have been the verdict if recourse had been had to another court; but in the circumstances the excellence of the cause did not in the slightest degree extenuate the disgrace of the judgment,

A.U.C. 308 causae levatur dedecus iudicii; idque non Aricinis Ardeatibusque quam patribus Romanis foedius atque acerbius visum. Reliquum anni quietum ab urbanis motibus et ab externis mansit.

which seemed no less scandalous and harsh to the B.C. 446
Roman senators than to the men of Aricia and Ardea. The remainder of the year passed without disturbances in either domestic or foreign relations.

LIBRI III PERIOCHA

Seditiones de agrariis legibus fuere. Capitolium ab exulibus et servis occupatum caesis his receptum est. Census bis actus est. Priore lustro censa sunt civium capita VIII milia DCCXIIII praeter orbos orbasque, sequenti CXVII milia CCXVIIII. Cum adversus Aequos male gesta res esset, L. Quintius Cincinnatus dictator factus, cum rure intentus operi rustico esset, ad id bellum gerendum arcessitus est. Is victos hostes sub iugum misit. Tribunorum plebis numerus ampliatus est, ut essent x, tricesimo sexto anno a[1] primis tribunis plebis. Petitis per legatos et adlatis Atticis legibus ad constituendas eas proponendasque x viri pro consulibus sine ullis aliis magistratibus creati altero et trecentesimo[2] anno quam Roma condita erat, et ut a regibus ad consules, ita a consulibus ad x viros imperium translatum. Hi x tabulis legum positis cum modeste se in eo honore gessissent et ob id in alterum quoque annum eundem esse magistratum placuisset, duabus tabulis[3] ad x adiectis cum complura inpotenter fecissent, magistratum noluerunt deponere et in tertium annum retinuerunt, donec inviso eorum imperio finem adtulit libido Appi Claudi. Qui cum in amorem Virginiae virginis incidisset, summisso, qui eam in servitutem peteret, necessitatem patri eius Virginio inposuit. Rapto ex taberna proxima cultro filiam occidit, cum aliter effici non posset ne in potestatem stuprum inlaturi veniret. Hoc tam magnae iniuriae exemplo pleps concitata montem

[1] a *omitted in the MSS.*
[2] altero et trecentesimo *Ald.* : nono trigesimo *MSS.*
[3] placuisset, duabus tabulis *Sigonius* : *omitted in MSS.*

SUMMARY OF BOOK III

There were quarrels about land-laws. The Capitol was seized by exiles and slaves; who were slain and the Capitol recovered. The census was taken twice. By the earlier enumeration there were returned 8714[1] citizens, besides male and female wards; by the second 117,219. After a defeat had been sustained at the hands of the Aequi, Lucius Quintius Cincinnatus, being appointed dictator, was summoned to the control of the war while engaged in working on his farm. He defeated the enemy and sent them under the yoke. The number of tribunes was increased to ten in the 36th year from the election of the first ones. After the laws of Athens had been searched out and brought to Rome by envoys, decemvirs with consular powers were chosen, without any other magistrates, to draw up and publish them. It was in the 302nd year after the founding of Rome that the power was transferred from consuls to decemvirs, as it had formerly been from kings to consuls. When the decemvirs had posted up ten tables of laws, after such moderation in the conduct of their office that it had been voted to continue the same magistracy for another year, they added two tables to the ten; and after many insolent acts refused to lay down their authority, but retained it for a third year, till the lust of Appius Claudius put an end to their hated dominion. Having fallen in love with the maiden Verginia, he suborned an agent to claim her as his slave, and obliged her father Verginius to act. Seizing a knife from the nearest stall, he slew his daughter, since there was no other way to keep her from falling into the hands of the man who meditated her dishonour. By this great wrong the plebeians were roused to action,

[1] Livy III. iii. 9 gives the numbers as 104,714. Apparently there has been a mistake in copying the Periochae due to the confusion of CIIII and VIII.

Aventinum occupavit coegitque x viros abdicare se magistratu. Ex quibus Appius, qui praecipuam poenam meruerat, in carcerem coniectus est; ceteri in exilium acti. Res praeterea contra Sabinos et Vulscos prospere gestas continet et parum honestum populi Romani iudicium, qui iudex inter Ardeates et Aricinos sumptus agrum de quo ambigebatur sibi adiudicavit.

and occupying the Aventine, forced the decemvirs to abdicate. Of these, Appius, who had been most guilty, was flung into prison; the rest were exiled. The book contains also successful campaigns against the Sabines and the Volsci, and a discreditable judgment rendered by the Roman People, who, being chosen umpire between the Ardeates and the Aricini, awarded to themselves the territory in dispute.

BOOK IV

LIBER IV

A.U.C. 309

I. Hos secuti M. Genucius et C. Curtius[1] consules.
Fuit annus domi forisque infestus. Nam[2] principio
et de conubio patrum et plebis C. Canuleius tribunus
2 plebis rogationem promulgavit, qua contaminari
sanguinem suum patres confundique iura gentium
rebantur, et mentio primo sensim inlata a tribunis,
ut alterum ex plebe consulem liceret fieri, eo
processit deinde ut rogationem novem tribuni pro-
3 mulgarent, ut populo potestas esset, seu de plebe
seu de patribus vellet, consules faciendi; id vero si
fieret, non volgari modo cum infimis, sed prorsus
auferri a primoribus ad plebem summum imperium
4 credebant. Laeti ergo audiere patres Ardeatium
populum ob iniuriam agri abiudicati descisse, et
Veientes depopulatos extrema agri Romani, et
Volscos Aequosque ob communitam Verruginem
fremere; adeo vel infelix bellum ignominiosae paci
5 praeferebant. His itaque in maius etiam acceptis,
ut inter strepitum tot bellorum conticiscerent
actiones tribuniciae, dilectus haberi, bellum armaque

[1] C. Curtius *Sigonius* (*cf. C.I.L.* i², *p.* 108; *Diod.* XII. xxxi. 1—*who however gives the prænomen as* Ἀγρίππαν;—Varro, *L.L.* v. 150): p. curatius Ω.

[2] Nam *Conway and Walters*: nam anni (ani *B*, animi *PU*) Ω: anni nam *M*.

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[1] This is Livy's first mention of Verrugo, which was situated on a steep hill in the Trerus valley.

BOOK IV

I. MARCUS GENUCIUS and Gaius Curtius succeeded B.C. 445
these men as consuls. It was a year of quarrels both at home and abroad. For at its commencement Gaius Canuleius, a tribune of the plebs, proposed a bill regarding the intermarriage of patricians and plebeians which the patricians looked upon as involving the debasement of their blood and the subversion of the principles inhering in the *gentes*, or families; and a suggestion, cautiously put forward at first by the tribunes, that it should be lawful for one of the consuls to be chosen from the plebs, was afterwards carried so far that nine tribunes proposed a bill giving the people power to choose consuls as they might see fit, from either the plebs or the patriciate. To carry out this last proposal would be, in the estimation of the patricians, not merely to give a share of the supreme authority to the lowest of the citizens, but actually to take it away from the nobles and bestow it on the plebs. The Fathers therefore rejoiced to hear that the people of Ardea had revolted because of the unjust decision which deprived them of their land; that the men of Veii had ravaged the Roman frontier; and that the Volsci and Aequi were murmuring at the fortification of Verrugo;[1] so decidedly did they prefer even an unfortunate war to an ignominious peace. Accordingly they made the most of these threats, that the proposals of the tribunes might be silenced amidst the

A.U.C. 309

vi summa apparari iubent, si quo intentius possit,
6 quam T. Quinctio consule apparatum sit. Tum C. Canuleius pauca in senatu vociferatus: nequiquam territando consules avertere plebem a cura novarum legum; nunquam eos se vivo dilectum habituros, antequam ea quae promulgata ab se collegisque essent plebes scivisset,[1] confestim ad contionem advocavit.

II. Eodem tempore et consules senatum in tribunum et tribunus populum in consules incitabat. Negabant consules iam ultra ferri posse furores tribunicios; ventum iam ad finem esse; domi plus belli concitari quam foris. Id adeo non plebis quam patrum neque tribunorum magis quam consulum
2 culpa accidere. Cuius rei praemium sit in civitate, eam maximis semper auctibus crescere; sic pace
3 bonos, sic bello fieri. Maximum Romae praemium seditionum esse; ideo[2] singulis universisque semper
4 honori fuisse. Reminiscerentur quam maiestatem senatus ipsi a patribus accepissent, quam liberis tradituri essent, vel[3] quem ad modum plebs gloriari posset auctiorem amplioremque se esse.[4] Finem ergo non fieri nec futuram donec quam felices seditiones tam honorati seditionum auctores essent.
5 Quas quantasque res C. Canuleium adgressum! Conluvionem gentium, perturbationem auspiciorum

[1] scivisset ς: sciuisset et Ω.
[2] ideo *F? Weissenborn*: id et Ω.
[3] vel *Conway and Walters*: ut Ω.
[4] se esse ς (se est *D*): esse Ω.

din of so many wars; and ordered levies to be held B.C. 445
and military preparations to be made with the utmost energy, and if possible, even more strenuously than had been done when Titus Quinctius was consul. Thereupon Gaius Canuleius curtly proclaimed in the senate that it was in vain the consuls sought to frighten the plebs out of their concern for the new laws; and, declaring that they should never hold the levy, while he lived, until the plebs had voted on the measures which he and his colleagues had brought forward, at once convened an assembly.

II. At one and the same time the consuls were inciting the senate against the tribune, and the tribune was arousing the people against the consuls. The consuls declared that the frenzy of the tribunes could no longer be endured; the end had now been reached, and there was more war being stirred up at home than abroad. This state of things was, to be sure, as much the fault of the senators as of the plebs, and the consuls were as guilty as the tribunes. That tendency which a state rewarded always attained the greatest growth; it was thus that good men were produced, both in peace and in war. In Rome the greatest reward was given to sedition, which had, therefore, ever been held in honour by all and sundry. Let them recall the majesty of the senate when they had taken it over from their fathers, and think what it was likely to be when they passed it on to their sons, and how the plebs could glory in the increase of their strength and consequence. There was no end in sight, nor would be, so long as the fomenters of insurrection were honoured in proportion to the success of their projects. What tremendous schemes had Gaius Canuleius set on foot! He was aiming to contaminate the *gentes* and

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publicorum privatorumque adferre, ne quid sinceri,
ne quid incontaminati sit, ut discrimine omni sublato
6 nec se quisquam nec suos noverit. Quam enim aliam
vim conubia promiscua habere nisi ut ferarum prope
ritu volgentur concubitus plebis patrumque? Ut
qui natus sit ignoret, cuius sanguinis, quorum sac-
rorum sit; dimidius patrum sit, dimidius plebis, ne
7 secum quidem ipse concors. Parum id videri, quod
omnia divina humanaque turbentur; iam ad con-
sulatum volgi turbatores accingi. Et primo ut
alter consul ex plebe fieret, id modo sermonibus
temptasse; nunc rogari ut seu ex patribus seu ex
plebe velit populus consules creet. Et creaturos
haud dubie ex plebe seditiosissimum quemque;
8 Canuleios igitur Iciliosque consules fore. Ne id
Iuppiter optimus maximus sineret regiae maiestatis
imperium eo recidere; et se miliens morituros
potius quam ut tantum dedecoris admitti patiantur.
9 Certum habere maiores quoque, si divinassent con-
cedendo omnia non mitiorem in se plebem, sed
asperiorem alia ex aliis iniquiora postulando cum
prima impetrasset futuram, primo quamlibet dimi-
cationem subituros fuisse potius quam eas leges
10 sibi imponi paterentur. Quia tum concessum sit
11 de tribunis, iterum concessum esse; finem non

[1] The right to ascertain the will of the gods by auspices was claimed as an exclusively patrician prerogative. *Cf.* chap. vi. § 1.

[2] This is inaccurate. We see from chap. i. § 2 that the suggestion was that one of the consuls *might* be (not *should* be) a plebeian.

B.C. 445

throw the auspices, both public and private, into confusion, that nothing might be pure, nothing unpolluted; so that, when all distinctions had been obliterated, no man might recognise either himself or his kindred.[1] For what else, they asked, was the object of promiscuous marriages, if not that plebeians and patricians might mingle together almost like the beasts? The son of such a marriage would be ignorant to what blood and to what worship he belonged; he would pertain half to the patricians, half to the plebs, and be at strife even with himself. It was not enough for the disturbers of the rabble to play havoc with all divine and human institutions: they must now aim at the consulship. And whereas they had at first merely suggested in conversations that one of the two consuls should be chosen from the plebeians,[2] they were now proposing a law that the people should elect consuls at its pleasure from patriciate or plebs. Its choice would without doubt always fall upon plebeians of the most revolutionary sort, and the result would be that they would have consuls of the type of Canuleius and Icilius. They called on Jupiter Optimus Maximus to forbid that a power regal in its majesty should sink so low. For their parts, they would sooner die a thousand deaths than suffer so shameful a thing to be done. They felt certain that their forefathers too, had they divined that all sorts of concessions would make the commons not more tractable but more exacting, and that the granting of their first demands would lead to others, ever more unjust, would rather have faced any conflict whatsoever than have permitted such laws to be imposed upon them. Because they had yielded then, in the matter of the tribunes, they had

A.U.C. 309 fieri posse si in[1] eadem civitate tribuni[2] plebis
et patres essent;[3] aut hunc ordinem aut illum
magistratum tollendum esse, potiusque sero quam
nunquam obviam eundum audaciae temerita-
12 tique. Illinc ut impune primo discordias serentes
concitent finitima bella, deinde adversus ea, quae
concitaverint, armari civitatem defendique pro-
hibeant, et cum hostes tantum non arcessierint,
exercitus conscribi adversus hostes non patiantur,
13 sed audeat Canuleius in senatu proloqui se, nisi suas
leges tamquam victoris patres accipi sinant, dilectum
haberi prohibiturum? Quid esse aliud quam minari
se proditurum patriam, oppugnari atque capi pas-
surum! Quid eam vocem animorum non plebi
Romanae, sed Volscis et Aequis et Veientibus alla-
14 turam! Nonne Canuleio duce se speraturos Capi-
tolium atque arcem scandere posse? Nisi[4] patribus
tribuni cum iure ac maiestate adempta animos etiam
eripuerint, consules paratos esse duces prius adversus
scelus civium quam adversus hostium arma.

III. Cum maxime haec in senatu agerentur, Ca-
nuleius pro legibus suis et adversus consules ita
2 disseruit: "Quanto opere vos, Quirites, contem-
nerent patres, quam indignos ducerent qui una
secum urbe intra eadem moenia viveretis, saepe

[1] posse si in *Conway*: posse sin *F*: posse iin *M*: posse in Ω.
[2] tribuni *PFBD*: tribunos *F³UOH*: tr̄ *MLA*.
[3] essent *Conway*: ēē *ML*: esse Ω.
[4] nisi *Luterbacher*: si Ω: ni *Madvig*.

yielded a second time; it was impossible there should be any settlement of the trouble, if in one and the same state there were both plebeian tribunes and patricians; one thing or the other must go,—the patriciate or the tribunate. It was better late than never to oppose their rashness and temerity. Were they to be suffered with impunity first to sow discord and stir up neighbouring wars, and then to prevent the state from arming and defending itself against the wars they had raised themselves? When they had all but invited in the enemy, should they refuse to allow the enrolment of armies to oppose that enemy; while Canuleius had the hardihood to announce in the senate that unless the Fathers permitted his laws to be received, as though he were a conqueror, he would forbid the levy? What else was this than a threat that he would betray his native City to attack and capture? How must that speech encourage, not the Roman plebs, but the Volsci, the Aequi, and the Veientes! Would they not hope that, led by Canuleius, they would be able to scale the Capitol and the Citadel? Unless the tribunes had robbed the patricians of their courage when they took away their rights and their dignity, the consuls were prepared to lead them against criminal citizens sooner than against armed enemies. B.C. 445

III. At the very time when these opinions were finding expression in the senate, Canuleius held forth in this fashion in behalf of his laws and in opposition to the consuls: "How greatly the patricians despised you, Quirites, how unfit they deemed you to live in the City, within the same walls as themselves, I think I have often observed before, but never more clearly than at this very moment,

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equidem et ante videor animadvertisse, nunc tamen
maxime quod adeo atroces in has rogationes nostras
3 coorti sunt, quibus quid aliud quam admonemus
cives nos eorum esse, et si non easdem opes habere,
4 eandem tamen patriam incolere? Altera conubium
petimus, quod finitimis externisque dari solet—nos
quidem civitatem, quae plus quam conubium est,
5 hostibus etiam victis dedimus;—altera nihil novi
ferimus, sed id quod populi est repetimus atque
usurpamus, ut quibus velit populus Romanus honores
6 mandet. Quid tandem est cur caelum ac terras
misceant, cur in me impetus modo paene in senatu
sit factus, negent se manibus temperaturos vio-
7 laturosque denuntient sacrosanctam potestatem? Si
populo Romano liberum suffragium datur, ut quibus
velit consulatum mandet, et non praeciditur spes
plebeio quoque, si dignus summo honore erit, api-
scendi summi honoris, stare urbs haec non poterit?
De imperio actum est? Et perinde hoc valet,
plebeiusne consul fiat, tamquam servum aut liber-
8 tinum aliquis consulem futurum dicat? Ecquid[1]
sentitis in quanto contemptu vivatis? Lucis vobis
huius partem, si liceat, adimant; quod spiratis, quod
vocem mittitis, quod formas hominum habetis, indig-
9 nantur; quin etiam, si dis placet, nefas aiunt esse
consulem plebeium fieri. Obsecro vos, si non ad

[1] Ecquid *M*: et quid Ω.

B.C. 445

when they are rallying so fiercely against these proposals of ours. Yet what else do we intend by them than to remind our fellow citizens that we are of them, and that, though we possess not the same wealth, still we dwell in the same City they inhabit? In the one bill we seek the right of intermarriage, which is customarily granted to neighbours and foreigners—indeed we have granted citizenship, which is more than intermarriage, even to defeated enemies;—in the other we propose no innovation, but reclaim and seek to exercise a popular right, to wit that the Roman People shall confer office upon whom it will. What reason is there, pray, why they should confound heaven and earth; why they should almost have attacked me just now in the senate; why they should declare that they will place no restraint on force, and should threaten to violate our sacrosanct authority? If the Roman People is granted a free vote, that so it may commit the consulship to what hands it likes, if even the plebeian is not cut off from the hope of gaining the highest honours—if he shall be deserving of the highest honours—will this City of ours be unable to endure? Is her dominion at an end? When we raise the question of making a plebeian consul, is it the same as if we were to say that a slave or a freedman should attain that office? Have you any conception of the contempt in which you are held? They would take from you, were it possible, a part of this daylight. That you breathe, that you speak, that you have the shape of men, fills them with resentment. Nay, they assert, if you please, that it is sinning against Heaven to elect a plebeian consul. Tell me, if we are not admitted to consult the

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fastos, non ad commentarios pontificum admittimur,
ne ea quidem scimus quae omnes peregrini etiam
sciunt, consules in locum regum successisse nec aut
iuris aut maiestatis quicquam habere quod non in
10 regibus ante fuerit? En unquam[1] creditis fando
auditum esse Numam Pompilium, non modo non
patricium sed ne civem quidem Romanum, ex Sabino
agro accitum, populi iussu, patribus auctoribus[2]
11 Romae regnasse? L. deinde Tarquinium, non
Romanae modo, sed ne Italicae quidem gentis,
Demarati Corinthii filium, incolam ab Tarquiniis,
12 vivis liberis Anci, regem factum? Ser. Tullium
post hunc, captiva Corniculana natum, patre nullo,
matre serva, ingenio virtute regnum tenuisse? Quid
enim de T. Tatio Sabino dicam, quem ipse Romulus,
13 parens urbis, in societatem regni accepit? Ergo
dum nullum fastiditur genus in quo eniteret virtus,
crevit imperium Romanum. Paeniteat nunc vos
plebeii consulis, cum maiores nostri advenas reges
non fastidierint et ne regibus quidem exactis clausa
14 urbs fuerit peregrinae virtuti? Claudiam certe
gentem post reges exactos ex Sabinis non in civi-
tatem modo accepimus sed etiam in patriciorum

[1] En unquam MA^1 (*or* A^2): en umquam *O*: enim quam *PB*: en inquam P^2F^2U: ennumquam *HDLA*: nunquam *Karsten*: et unquam *F*?
[2] auctoribus ς: *omitted by* Ω.

[1] *Dies fasti* were the days on which it was lawful to pronounce judgment. *Fasti* often means, as here, the calendar kept by the pontiffs on which such days were marked. It was not until 304 B.C., when Cn. Flavius posted a list of them in the Forum (IX. xlvi. 5), that the plebeians could know with certainty when they fell.

Fasti[1] or the Commentaries of the Pontiffs,[2] are we therefore ignorant of what all men, even foreigners, know, viz. that the consuls succeeded to the place of the kings, and possess no jot nor tittle of right or dignity that belonged not to the kings before? Come! Would you believe the story was ever heard how Numa Pompilius—not only no patrician, but not even a Roman citizen—was sent for from the country of the Sabines, and reigned at Rome, by command of the people and with the senators' consent? And again, how Lucius Tarquinius, who was not even of Italian stock—not to mention Roman—being the son of Demaratus of Corinth, and an immigrant from Tarquinii, was made king, while the sons of Ancus were still living? And how after him Servius Tullius, son of a captive woman from Corniculum, who had nobody for his father and a bond-woman for his mother, held the royal power by his innate ability and worth? For why should I speak of Titus Tatius the Sabine, with whom Romulus himself, the Father of the City, shared his sovereignty? Well then, so long as men despised no family that could produce conspicuous excellence, the dominion of Rome increased. And are you now to scorn a plebeian consul, when our ancestors were not above accepting alien kings, and when the City was not closed against the meritorious foreigner, even after the expulsion of the kings? The Claudian family at least we not only received from the Sabine country, after the kings had been driven out, and gave them citizenship, but even admitted them to the number of patricians. Shall the son of a stranger B.C. 445

[2] Minutes of the proceedings of the pontifical college. They probably furnished guidance regarding ceremonies.

A.U.C. 309

15 numerum. Ex peregrinone patricius, deinde consul fiat, civis Romanus si sit ex plebe, praecisa consulatus
16 spes erit? Utrum tandem non credimus fieri posse ut vir fortis ac strenuus, pace belloque bonus, ex plebe sit, Numae, L. Tarquinio, Ser. Tullio similis,
17 an, ne si sit quidem, ad gubernacula rei publicae accedere eum patiemur, potiusque decemviris, taeterrimis mortalium, qui tamen[1] omnes ex patribus erant, quam optimis regum, novis hominibus, similes consules sumus habituri?

IV. "At enim nemo post reges exactos de plebe consul fuit. Quid postea? Nullane res nova institui debet, et quod nondum est factum—multa enim nondum sunt facta in novo populo,—ea ne si utilia
2 quidem sint fieri oportet? Pontifices, augures Romulo regnante nulli erant; ab Numa Pompilio creati sunt. Census in civitate et discriptio[2] centuriarum classiumque non erat; ab Ser. Tullio est
3 facta. Consules nunquam fuerant;[3] regibus exactis creati sunt. Dictatoris nec imperium nec nomen fuerat: apud patres esse coepit. Tribuni plebi, aediles, quaestores nulli erant; institutum est, ut fierent. Decemviros legibus scribendis intra decem hos annos et creavimus et e re publica sustulimus.
4 Quis dubitat quin in aeternum urbe condita, in immensum crescente nova imperia, sacerdotia, iura
5 gentium hominumque instituantur? Hoc ipsum, ne

[1] tamen ϛ: tum Ω.
[2] discriptio *H. J. Mueller*: descriptio Ω.
[3] fuerant ϛ: fuerunt Ω.

become patrician and then consul, but a Roman citizen, if plebeian, be cut off from all hope of the consulship? Do we not believe it possible that a bold and strenuous man, serviceable both in peace and in war, should come from the plebs,—a man like Numa, Lucius Tarquinius, or Servius Tullius? Or shall we refuse, even if such an one appear, to let him approach the helm of state? Must we rather look forward to consuls like the decemvirs, the vilest of mortals, who nevertheless were all of patrician birth, than to such as shall resemble the best of the kings, new men though they were? B.C. 445

IV. "'But,' you will say, 'from the time the kings were expelled no plebeian has ever been consul.' Well, what then? Must no new institution be adopted? Ought that which has not yet been done—and in a new nation many things have not yet been done—never to be put in practice, even if it be expedient? There were neither pontiffs nor augurs in the reign of Romulus; Numa Pompilius created them. There was no census in the state, no registration of centuries and classes; Servius Tullius made one. There had never been any consuls; when the kings had been banished, consuls were elected. Neither the power nor the name of dictator had ever been known; in the time of our fathers they began. Plebeian tribunes, aediles, and quaestors, there were none; men decided to have them. Within the past ten years we have elected decemvirs for drawing up the laws, and removed them from the commonwealth. Who can question that in a city founded for eternity and of incalculable growth, new powers, priesthoods, and rights of families and individuals, must be established? Was not this very

A.U.C. 309
conubium patribus cum plebe esset, non decemviri
tulerunt paucis his annis pessimo publico,[1] cum
summa iniuria plebis? An esse ulla maior aut in-
signitior contumelia potest quam partem civitatis
6 velut contaminatam indignam conubio haberi? Quid
est aliud quam exsilium intra eadem moenia, quam
relegationem pati? Ne adfinitatibus, ne propin-
quitatibus immisceamur cavent,[2] ne societur sanguis.
7 Quid? Hoc si polluit nobilitatem istam vestram,
quam plerique oriundi ex Albanis et Sabinis non
genere nec sanguine sed per cooptationem in patres
habetis, aut ab regibus lecti aut post reges exactos
iussu populi, sinceram servare privatis consiliis non
poteratis, nec ducendo ex plebe neque vestras filias
8 sororesque ecnubere[3] sinendo e patribus? Nemo
plebeius patriciae virgini vim adferret; patriciorum
ista libido est; nemo invitum pactionem nuptialem
9 quemquam facere coegisset. Verum enimvero lege
id prohiberi et conubium tolli patrum ac plebis, id
demum contumeliosum plebi est. Cur enim non
fertis,[4] ne sit conubium divitibus ac pauperibus?
10 Quod privatorum consiliorum ubique semper fuit,
ut in quam cuique feminae convenisset domum
nuberet, ex qua pactus esset vir domo in matri-
monium duceret, id vos sub legis superbissimae
vincula conicitis, qua dirimatis societatem civilem

[1] pessimo publico *Klock*: pessimo exemplo publico *VMA*²: pessimo exemplo Ω (publico *added in marg. of P, by second hand*).
[2] cavent ς: caueant Ω: caueamur *D*: caueantur *A*.
[3] ecnubere *M*: enubere ς: et nubere (nubere *U*) Ω.
[4] cur enim non fertis *Madvig*: cur enim non confertis Ω: cur ent ñ confertis *FB*: curent non confertis *P*: cur non confertis *U*.

provision, that patricians and plebeians might not intermarry, enacted by the decemvirs a few years since, with the worst effect on the community and the gravest injustice to the plebs? Or can there be any greater or more signal insult than to hold a portion of the state unworthy of intermarriage, as though it were defiled? What else is this but to suffer exile within the same walls and banishment? They guard against having us for connections or relations, against the mingling of our blood with theirs. Why, if this pollutes that fine nobility of yours—which many of you, being of Alban or of Sabine origin, possess not by virtue of race or blood, but through co-optation into the patriciate, having been chosen either by the kings, or, after their expulsion, by decree of the people—could you not keep it pure by your own private counsels, neither taking wives from the plebs nor permitting your daughters and sisters to marry out of the patriciate? No plebeian would offer violence to a patrician maiden: that is a patrician vice. No one would have compelled anybody to enter a compact of marriage against his will. But let me tell you that in the statutory prohibition and annulment of intermarriage between patricians and plebeians we have indeed at last an insult to the plebs. Why, pray, do you not bring in a law that there shall be no intermarrying of rich and poor? That which has always and everywhere been a matter of private policy, that a woman might marry into whatever family it had been arranged, that a man might take a wife from that house where he had engaged himself, you would subject to the restraint of a most arrogant law, that thereby you might break up our civil B.C. 445

A.U.C. 309 11 duasque ex una civitate[1] faciatis. Cur non sancitis ne vicinus patricio sit plebeius nec[2] eodem itinere eat, ne idem convivium ineat, ne in foro eodem consistat? Quid enim in re est aliud, si plebeiam patricius duxerit, si patriciam plebeius? Quid iuris tandem mutatur? Nempe patrem sequuntur liberi.
12 Nec quod nos ex conubio vestro petamus quicquam est, praeterquam ut hominum, ut civium numero simus, nec vos, nisi in contumeliam ignominiamque nostram certare iuvat, quod contendatis quicquam est.

V. "Denique utrum tandem populi Romani an vestrum summum imperium est? Regibus exactis utrum vobis dominatio an omnibus aequa libertas
2 parta est? Oportet licere populo Romano, si velit, iubere legem; an, ut quaeque rogatio promulgata erit, vos dilectum pro poena decernetis, et, simul ego tribunus vocare tribus in suffragium coepero, tu statim consul sacramento iuniores adiges et in castra educes et minaberis plebi, minaberis tribuno?
3 Quid si non quantum istae minae adversus plebis consensum valerent, bis iam experti essetis? Scilicet quia nobis[3] consultum volebatis, certamine abstinuistis; an ideo non est dimicatum, quod quae pars
4 firmior eadem modestior fuit? Nec nunc erit certamen, Quirites; animos vestros illi temptabunt
5 semper, vires non experientur. Itaque ad bella

[1] civitate Ω: ciuitates *MA*[2]. [2] nec Ω: ne *U*ς.
[3] nobis ς: uobis Ω.

[1] In the plebeian secessions of 494 and 449 B.C.

society and make two states out of one. Why do B.C. 445
you not enact that a plebeian shall not live near a patrician, nor go on the same road? That he shall not enter the same festive company? That he shall not stand by his side in the same Forum? For what real difference does it make if a patrician takes a plebeian wife, or a plebeian a patrician? What right, pray, is invaded? The children of course take the father's rank. There is nothing we are seeking to gain from marriage with you, except that we should be accounted men and citizens. Neither have you any reason to oppose us, unless you delight in vying with each other how you may outrage and humiliate us.

V. "Finally I would ask, is it you, or the Roman People, who have supreme authority? Did the banishment of the kings bring you dominion, or to all men equal liberty? Ought the Roman People to be permitted, if it so desire, to enact a law; or shall you, as each proposal is brought up, proclaim a levy by way of penalty, and so soon as I, the tribune, begin to summon the tribes to vote, shall you, the consul, at once administer the oath to those of military age and march them out to camp, with threats against the plebs and with threats against the tribune? How would it be if you had not twice[1] already proved how little those threats of yours are worth against the unanimous will of the plebs? I suppose it was consideration for our good that made you refrain from fighting? Or was this rather the reason there was no strife, because the stronger side was also the more moderate? Neither will there be any struggle now, Quirites; they will always test your courage; but will never put your strength to the proof. And

A.U.C. 309 ista, seu falsa seu vera sunt, consules, parata vobis plebes est, si conubiis redditis unam hanc civitatem tandem facitis; si coalescere, si iungi miscerique vobis privatis necessitudinibus possunt; si spes, si aditus ad honores viris strenuis et fortibus datur; si in consortio, si in societate rei publicae esse, si, quod aequae libertatis est, in vicem annuis magis-
6 tratibus parere atque imperitare licet. Si haec impediet aliquis, ferte sermonibus et multiplicate fama bella; nemo est nomen daturus, nemo arma capturus, nemo dimicaturus pro superbis dominis, cum quibus nec in re publica honorum nec in privata conubii societas est."

VI. Cum in contionem consules processissent et res a perpetuis orationibus in altercationem vertisset, interroganti tribuno cur plebeium consulem fieri
2 non oporteret, ut fortasse vere, sic parum utiliter in praesens Curtius[1] respondit, "Quod nemo plebeius auspicia haberet, ideoque decemviros conubium diremisse ne incerta prole auspicia turba-
3 rentur." Plebes ad id maxime indignatione exarsit, quod auspicari, tamquam invisi dis immortalibus, negarentur posse; nec ante finis contentionum fuit, cum et tribunum acerrimum auctorem plebes nacta esset et ipsa cum eo pertinacia certaret, quam

[1] Curtius *Walters*: certamen Ω.

so the commons are ready, consuls, for those wars B.C. 445
you deal in, be they feigned or genuine, if you give them back their right of intermarriage, and make this a single state at last; if you enable them to coalesce, to unite, to merge with you in domestic alliances; if the hope of attaining honours is held out to strenuous men and brave; if they are granted a share in the partnership of government; if, in the enjoyment of equal liberty, they are allowed to govern and obey in turn, with the annual change of magistrates. If anyone shall prevent these reforms, you may talk of wars, and multiply them in the telling; but nobody will give in his name, nobody will take up arms, nobody will fight for haughty masters with whom he has no association in the honours of the state nor in the marriages of private life."

VI. When the consuls had come forth to the people and set speeches had given place to wrangling, the tribune demanded what reason there was why a plebeian should not be chosen consul; to whom Curtius replied, with truth perhaps, yet, in the circumstances, to little purpose, "because no plebeian has the auspices, and that is the reason the decemvirs have forbidden intermarriages, lest the auspices should be confounded by the uncertain standing of those born of them." At this the plebs fairly blazed with indignation, because it was declared that they could not take auspices, as though they were hated by the immortal gods; nor was the controversy ended—for the plebeians had got a most energetic champion in their tribune, and rivalled him themselves in determination,—until at last the patricians were beaten, and allowed the law regard-

A.U.C. 309 victi tandem patres ut de conubio ferretur con-
4 cessere,[1] ita maxime rati contentionem de plebeiis
consulibus tribunos aut totam deposituros aut post
bellum dilaturos esse, contentamque interim co-
nubio plebem paratam dilectui fore.

5 Cum Canuleius victoria de patribus et plebis
favore ingens esset, accensi alii tribuni ad certamen
pro rogatione sua summa vi pugnant et crescente
6 in dies fama belli dilectum impediunt. Consules,
cum per senatum intercedentibus tribunis nihil agi
posset, concilia[2] principum domi habebant. Appare-
bat aut hostibus aut civibus de victoria concedendum
7 esse. Soli ex consularibus Valerius atque Horatius
non intererant consiliis. C. Claudi sententia con-
sules armabat in tribunos; Quinctiorum, Cincin-
natique et Capitolini, sententiae abhorrebant a caede
violandisque quos foedere icto cum plebe sacro-
8 sanctos accepissent. Per haec consilia eo deducta
est res ut tribunos militum consulari potestate pro-
misce[3] ex patribus ac plebe creari sinerent, de
consulibus creandis nihil mutaretur; eoque contenti
9 tribuni, contenta plebs fuit. Comitia tribunis con-

[1] concessere *Rhenanus*: consensere concessere *V?*: consenserere concessere *M*: consensere Ω.
[2] concilia *Gronov*: consilia Ω.
[3] promisce *Conway*: promiscue *UOHA*: promiscuae Ω.

[1] The first recorded instance of the tribunician veto being exercised upon a decree of the senate.
[2] Leaders of that element in the senate which stood for a policy of conciliation, and authors of the Valerio-Horatian laws (III. li.–lv.).

ing intermarriage to be passed, chiefly because they thought that so the tribunes would either wholly give over their contention for plebeian consuls or would postpone it until after the war, and that the plebs meantime, contented with the right to intermarry, would be ready to submit to the levy. B.C. 445

But since Canuleius was grown so great through his victory over the patricians and the favour of the plebs, the other tribunes were encouraged to take up the quarrel; and they fought for their measure with the utmost violence, hindering the levy, though the rumours of war increased from day to day. The consuls, since they were powerless to do anything through the senate when the tribunes interposed their veto,[1] held councils of their leading men in private. It was clear that they must submit to be conquered either by the enemy or by their fellow citizens. Of all the consulars only Valerius and Horatius[2] took no part in their deliberations. Gaius Claudius spoke in favour of arming the consuls against the tribunes; the Quinctii, both Cincinnatus and Capitolinus, were opposed to bloodshed and to injuring those whom they had acknowledged by a solemn treaty with the plebs to be inviolable. The upshot of these consultations was this, that they permitted military tribunes with consular authority to be chosen indifferently from the patriciate and the plebs,[3] but made no change in the election of consuls. With this decision both tribunes and commons were content. An election was called, for

[3] The office thus instituted (very probably by a special law, *cf.* chap. xxxv. § 10) was not finally given up till 367 B.C. During this period consuls were chosen twenty-two times and tribunes fifty-one times.

A.U.C. 309 sulari potestate tribus creandis indicuntur. Quibus indictis extemplo quicumque aliquid seditiose dixerat aut fecerat unquam,[1] maxime tribunicii, et prensare homines et concursare toto foro candidati coepere,
10 ut patricios desperatio primo inritata plebe apiscendi honoris, deinde indignatio, si cum his gerendus esset honos, deterreret. Postremo coacti tamen a primoribus petiere, ne cessisse possessione
11 rei publicae viderentur. Eventus eorum comitiorum docuit alios animos in contentione libertatis dignitatisque, alios secundum deposita certamina incorrupto iudicio esse; tribunos enim omnes patricios creavit populus, contentus eo quod ratio habita
12 plebeiorum esset. Hanc modestiam aequitatemque et altitudinem animi ubi nunc in uno inveneris, quae tum populi universi fuit?

A.U.C. 310 VII. Anno trecentesimo decimo quam urbs Roma condita erat primum tribuni militum pro consulibus magistratum ineunt, A. Sempronius Atratinus L. Atilius T. Cloelius,[2] quorum in magistratu con-
2 cordia domi pacem etiam foris praebuit. Sunt qui propter adiectum Aequorum Volscorumque bello et Ardeatium defectioni Veiens bellum, quia duo consules obire tot simul bella nequirent, tribunos militum tres creatos dicant, sine mentione promulgatae

[1] unquam *Crevier*: hunc quam Ω.
[2] Cloelius *Sigonius* (*Dion. Hal.* XI. lxi. 3): caecilius (*or* cecilius) Ω: caelius (*or* celius) *ADL*.

choosing three tribunes with consular powers. No B.C. 445
sooner was it proclaimed than everybody who had ever spoken or acted in a seditious manner, especially those who had been tribunes, fell to canvassing voters and bustling about all over the Forum in the white robes of candidates; so that the patricians, what with despair of obtaining office now that the plebs were so wrought up, and what with scorn if they must share its administration with these fellows, were deterred from standing. At last, however, they were compelled by their leaders to compete, lest they might seem to have surrendered the control of the commonwealth. The outcome of this election showed how different are men's minds when struggling for liberty and station from what they are when they have laid aside their animosities and their judgment is unbiassed; for the people chose all the tribunes from among the patricians, quite satisfied that plebeians should have been allowed to stand. Where shall you now find in one single man that moderation, fairness, and loftiness of mind, which at that time characterized the entire people?

VII. In the year three hundred and ten from B.C. 444
the founding of Rome, military tribunes for the first time took office in place of consuls. Their names were Aulus Sempronius Atratinus, Lucius Atilius,[1] and Titus Cloelius. During their administration domestic harmony insured peace abroad, as well. (Some say that on account of a war with Veii, which broke out in addition to the war with the Aequi and Volsci and the revolt of the men of Ardea, two consuls were unable to cope with so many wars at once, and therefore three military tribunes were created. These writers say nothing of the pro-

[1] Other Atilii were plebeians (see *e.g.* Liv. v. xiii. 3), hence Niebuhr conjectured that Livy was in error in stating that the three tribunes were all patricians.

A.U.C. 310 legis de consulibus creandis ex plebe, et imperio
3 et insignibus consularibus usos. Non tamen pro firmato iam stetit magistratus eius ius, quia tertio mense quam inierunt, augurum decreto perinde ac vitio creati, honore abiere, quod C. Curtius,[1] qui comitiis eorum praefuerat, parum recte tabernaculum cepisset.

4 Legati ab Ardea Romam venerunt, ita de iniuria querentes ut si demeretur ea in foedere atque
5 amicitia mansuros restituto agro appareret. Ab senatu responsum est iudicium populi rescindi ab senatu non posse, praeterquam quod nullo nec exemplo nec iure fieret, concordiae etiam ordinum
6 causa: si Ardeates sua tempora exspectare velint arbitriumque senatui levandae iniuriae suae permittant, fore ut postmodo gaudeant se irae moderatos, sciantque patribus aeque curae fuisse ne qua iniuria
7 in eos oreretur ac ne orta diuturna esset. Ita legati cum se rem integram relaturos dixissent, comiter dimissi.

Patricii, cum sine curuli magistratu res publica esset, coiere et interregem creavere. Contentio consulesne an tribuni militum crearentur in inter-

[1] C. Curtius *Sigonius* (*cf.* chap. i. § 1): centum curiatius *MA*[2]: c. curiatius (c. curatius *V*) Ω.

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[1] The lictors, with their rods and axes.

[2] The *tabernaculum* was a tent erected on the *templum*, or place marked out for the augural ceremony. Through an aperture in its roof the sky was watched for the flight of birds. Any flaw in the procedure would vitiate the subsequent election.

mulgation of a law about the election of consuls B.C. 444
from the plebs, but record that the three tribunes enjoyed the authority and insignia[1] of consuls.) Still, the power of that magistracy was not yet upon a firm footing, for three months after they had taken up their office they laid it down, the augurs having decreed that there had been a flaw in their election, because Gaius Curtius, who had presided over the assembly, had not properly selected the ground for the tent.[2]

Ambassadors from Ardea came to Rome, complaining of the injustice done them, and with such fairness that it was evident that if they were granted redress, through the restoration of their land, they would abide by the treaty and remain friendly. The senate replied that the judgment of the people could not be rescinded by them, not only because they had no precedent or authority for such action, but also because they had regard to the harmony between the orders. If the Ardeates would bide their time and leave the senate to decide upon a remedy for the injury done them, the day would come when they would be glad that they had controlled their anger, and they would learn that the senators had been equally concerned that no wrong should be done them and that what had been done should be speedily redressed. So the ambassadors, having said that they would refer the whole matter to their people, were courteously dismissed.

The patricians, since the state was without any curule magistrate, met and chose an interrex. A dispute whether consuls or military tribunes should be appointed kept the state in an interregnum for

A.U.C. 310
8 regno rem dies complures tenuit. Interrex ac
senatus consulum comitia, tribuni plebis et plebs
tribunorum militum ut habeantur tendunt. Vice-
runt patres, quia et plebs, patriciis seu hunc seu illum
9 delatura honorem, frustra certare supersedit, et
principes plebis ea comitia malebant quibus non
haberetur ratio sua, quam quibus ut indigni prae-
terirentur. Tribuni quoque plebi certamen sine
effectu in beneficio apud primores patrum reliquere.
10 T. Quinctius Barbatus interrex consules creat L.
Papirium Mugillanum,[1] L. Sempronium Atratinum.
His consulibus cum Ardeatibus foedus renovatum
est; idque monumenti est consules eos illo anno
fuisse, qui neque in annalibus priscis neque in libris
11 magistratuum inveniuntur. Credo quod tribuni
militum initio anni fuerunt, eo perinde ac si totum
annum in imperio fuerint, suffectos iis consules
12 praetermissos. Nomina[2] consulum horum Licinius
Macer auctor est et in foedere Ardeatino et in
linteis libris ad Monetae inventa. Et foris, cum tot
terrores a finitimis ostentati essent, et domi otium
fuit.

A.U.C. 311
VIII. Hunc annum, seu tribunos modo seu tribunis suffectos consules quoque habuit, sequitur annus

[1] Mugillanum ς *Sigonius* (*cf. C.I.L.* i², *p.* 112; *Dion. Hal.* XI. lxii. 2): mugilanum Ω.

[2] suffectos iis consules praetermissos. Nomina *Madvig*: suffectis (suffecti *U*) iis (his *O*) consulibus praetermissa nomina Ω.

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[1] Perhaps the *Annales Maximi*.

[2] Livy perhaps has in mind *libri consulares*, or lists of consuls.

several days. The interrex and the senate held out for the election of consuls; the plebeian tribunes and the plebs were for military tribunes. Victory rested with the senators, not only because the plebs gave up the idle contest whether they should confer this honour or that upon the patricians, but also because the leaders of the plebs preferred an election in which they would not be reckoned candidates to one in which they would be passed over as unworthy. The tribunes, too, of the plebs relinquished the unavailing contest in favour of the leaders of the patricians. Titus Quinctius Barbatus, as interrex, declared the election of Lucius Papirius Mugillanus and Lucius Sempronius Atratinus. In their consulship the treaty with the Ardeates was renewed; and in this lies the proof that these men were consuls that year, although their names are found neither in the ancient annals[1] nor in the lists of magistrates;[2] I suppose that, because there were military tribunes in the beginning of the year, the consuls who were elected in their place were passed over as if the tribunes had been in power throughout the year. Licinius Macer testifies that the names of these consuls were given both in the treaty with Ardea and in the Linen Rolls in the temple of Moneta.[3] Things were quiet both abroad and at home, despite the numerous alarms which neighbouring states had caused. B.C. 444

VIII. This year, whether it had tribunes only or tribunes succeeded by consuls, was followed by one B.C. 443

[3] The temple of Juno Moneta was erected on the Capitoline Hill in 344 B.C. (VII. xxviii. 6). The Linen Rolls which Livy tells us were preserved there contained chronological lists of magistrates.

A.U.C. 311 haud dubiis consulibus, M. Geganio Macerino iterum
2 T. Quinctio Capitolino quintum.[1] Idem hic annus
censurae initium fuit, rei a parva origine ortae, quae
deinde tanto incremento aucta est ut morum dis-
ciplinaeque Romanae penes eam regimen, senatui[2]
equitumque centuriis decoris dedecorisque discrimen
sub dicione eius magistratus, ius publicorum[3] priva-
torumque locorum, vectigalia populi Romani sub
3 nutu atque arbitrio eius[4] essent. Ortum autem
initium est rei, quod in populo per multos annos
incenso neque differri census poterat neque consuli-
bus, cum tot populorum bella imminerent, operae
4 erat id negotium agere. Mentio inlata ad senatum[5]
est rem operosam ac minime consularem suo proprio
magistratu egere, cui scribarum ministerium custo-
diaeque tabularum[6] cura, cui arbitrium formulae
5 censendi subiceretur. Et patres quamquam rem
parvam, tamen quo plures patricii magistratus in re
publica essent, laeti accepere, id quod evenit, futu-
rum, credo, etiam rati, ut mox opes eorum qui
praeessent ipsi honori ius maiestatemque adicerent;
6 et tribuni, id quod tunc erat, magis necessarii[7] quam
speciosi ministerii procurationem intuentes, ne in

[1] quintum *Gronovius*: quintum consule (consulem *O*) Ω.
[2] senatui *M. Mueller*: senatu Ω.
[3] publicorum *M*: publicorum ius Ω.
[4] arbitrio eius *Luterbacher*: arbitrio Ω.
[5] ad senatum P^2*Alschefski*: ab senatum *MPB*: ab senatu Ω.
[6] tabularum *Crevier*: et tabularum Ω: et tabularis *M*?
[7] necessarii *Madvig*: necessarium Ω.

which had consuls about whom there is no question. B.C. 443 These were Marcus Geganius Macerinus, for the second time, and Titus Quinctius Capitolinus, for the fifth time. This same year saw the adoption of the censorship, an institution which originated in a small way but afterwards grew to such dimensions that it was invested with the regulation of the morals and discipline of the Romans. The distribution of honour and ignominy amongst the senate and the centuries of the knights was controlled by this magistracy, while jurisdiction over public and private sites, together with the revenues of the Roman People, were entirely subject to its discretion. What first gave rise to the office was this: the people had not been rated for many years and the census could not be postponed; yet the consuls, when so many nations threatened war, had no time for this work. The subject was brought up in the senate, where it was held that the task, which was a laborious one and beneath the dignity of a consul, required its own proper magistrates, who should have a staff of clerks, assume the custody of the records, and regulate the form of the census. The senators, though it was a small matter, nevertheless gladly welcomed the suggestion, in order that there might be more patrician magistracies in the administration of the state. They thought even then, I imagine, as afterwards proved to be the case, that it would not be long before the consequence of those who held the office would lend authority and dignity to the office itself. The tribunes also, regarding it as a necessary rather than a showy service, as in those days it actually was, did not hold out against the plan, lest they

A.U.C. 311
parvis quoque rebus incommode adversarentur, haud
7 sane tetendere. Cum a primoribus civitatis spretus
honor esset, Papirium Semproniumque, quorum de
consulatu dubitatur,[1] ut eo magistratu parum solidum
consulatum explerent, censui agendo populus suffra-
giis praefecit. Censores ab re appellati sunt.

IX. Dum haec Romae geruntur, legati ab Ardea
veniunt pro veterrima societate renovataque[2] foedere
recenti auxilium prope eversae urbi implorantes.
2 Frui namque pace optimo consilio cum populo
Romano servata per intestina arma non licuit;
quorum causa atque initium traditur ex certamine
3 factionum ortum, quae fuerunt eruntque pluribus
populis exitio[3] quam bella externa, quam fames
morbive, quaeque alia in deum iras velut ultima
4 publicorum malorum vertunt. Virginem plebeii
generis maxime forma notam duo[4] petiere iuvenes,
alter virgini genere par, tutoribus fretus, qui et ipsi
eiusdem corporis erant, nobilis alter, nulla re praeter-
5 quam forma captus. Adiuvabant eum optumatium
studia, per quae in domum quoque puellae certamen
partium penetravit. Nobilis superior iudicio matris
esse, quae quam splendidissimis nuptiis iungi puellam
volebat: tutores in ea quoque re partium memores
6 ad suum tendere. Cum res peragi intra parietes

[1] dubitatur ς: dubitur *H*: dubitabatur Ω.
[2] renovataque *Conway*: renouatoque Ω.
[3] exitio *Wesenberg*: magis exitio Ω.
[4] notam duo *Kiehl*: notam Ω.

[1] *i.e.* the aristocratic party.

might seem to be vexatiously obstinate even in trifles. The principal men in the state scorned the office, and the taking of the census was, by the votes of the people, committed to Papirius and Sempronius (whose consulship is questioned), that they might round out their incomplete year of office with this magistracy. They were called censors from their function. B.C. 443

IX. While these things were going on in Rome, there came envoys from Ardea begging the Romans in the name of their ancient alliance, renewed by the recent treaty, to send help to their city, which was on the brink of ruin. For the enjoyment of peace, which they had most wisely preserved with the Roman People, had been denied them, owing to civil war. This is said to have had its cause and origin in the rivalry of factions, which have been and will be fraught with destruction to more nations than foreign wars, or famine and pestilence, or whatsoever other scourges men attribute, as the most desperate national calamities, to the wrath of Heaven. A maiden of plebeian family who was famous for her beauty had two youthful suitors. One was of her own class and relied on the approval of her guardians, who were themselves of the same standing. The other was a noble, captivated solely by her good looks, who was supported by the favour of the optimates,[1] which resulted in the introduction of party strife into the household of the girl herself. The noble was preferred by the mother, who wished her daughter to make as grand a match as possible. The guardians, mindful even in a matter like this of political interests, held out for their fellow plebeian. When the dispute could not be settled

A.U.C. 311 nequisset, ventum in ius est. Postulatu audito matris
tutorumque magistratus secundum parentis arbitrium
7 dant ius nuptiarum. Sed vis potentior fuit; namque
tutores, inter suae partis homines de iniuria decreti
palam in foro contionati, manu facta virginem ex
8 domo matris rapiunt; adversus quos infestior coorta
optumatium acies sequitur accensum iniuria iuvenem.
Fit proelium atrox. Pulsa plebs, nihil Romanae plebi
similis, armata ex urbe profecta colle quodam capto
in agros optumatium cum ferro ignique excursiones
9 facit; urbem quoque omni[1] etiam expertium[2] ante
certaminis multitudine opificum ad spem praedae
10 evocata obsidere parat; nec ulla species cladesque
belli abest velut contacta civitate rabie duorum
iuvenum funestas nuptias ex occasu patriae peten-
11 tium. Parum parti utrique domi armorum bellique
est visum; optumates Romanos ad auxilium urbis
obsessae, plebs ad expugnandam secum Ardeam
12 Volscos excivere. Priores Volsci duce Aequo Cluilio[3]
Ardeam venere et moenibus hostium vallum obiecere.
13 Quod ubi Romam est nuntiatum, extemplo M.
Geganius consul cum exercitu profectus tria milia
passuum ab hoste locum castris cepit praecipitique

[1] omni *Morstadt*: omnis Ω.
[2] expertium *Walters*: expertem Ω.
[3] Cluilio ς: ciuilio *VD*[4]*A*[2] (*or A*[3]): ciuili Ω.

[1] The injustice probably lay in the disregard of the guardians' traditional right to dispose of the hand of their ward. The mother herself would be a ward.

[2] This looks as though the Volscian party were free lances, since a regular army would hardly have been led by an Aequian.

privately, a suit was instituted. After listening to the pleas of the mother and the guardians, the magistrates decreed that the mother should have power to decide as she saw fit about the marriage. But violence was stronger than they; for the guardians, after openly addressing a crowd of their own party in the market-place, on the injustice[1] of the decision, collected a party and carried the girl off from her mother's house. To confront them an even more warlike band of nobles gathered, under the leadership of the injured and indignant youth, and a desperate battle followed. The plebs were routed, but, unlike the Roman plebs, having armed and withdrawn from their city and encamped upon a certain hill, they sallied forth, sword and torch in hand, to sack the farms of the nobles. They even prepared to besiege the city itself, for the entire body of artizans, even those who had hitherto had no part in the quarrel, had been called out by the hope of plunder; nor was there wanting any form of the horrors of war, as though the nation had been infected with the madness of the two young men who sought a fatal marriage in the ruin of their country. Neither side saw that there had been enough of war and arms at home; the optimates called upon the Romans to relieve their beleaguered city; the plebeians sent for the Volsci to help them capture Ardea. The Volsci, with the Aequian Cluilius for their leader,[2] were the first to reach Ardea, and threw up intrenchments against the walls of their enemies. When the news was brought to Rome, Marcus Geganius the consul immediately set out with an army. When three miles from the enemy he chose a place for his camp; and as the day was B.C. 443

A.U.C. 311

iam die curare corpora milites iubet. Quarta deinde vigilia signa profert, coeptumque opus adeo adproperatum est ut sole orto Volsci firmiore se munimento ab Romanis circumvallatos quam a se urbem
14 viderent; et alia parte consul muro Ardeae bracchium iniunxerat, qua ex oppido sui commeare possent.

X. Volscus imperator, qui ad eam diem non commeatu praeparato sed ex populatione agrorum rapto in diem frumento aluisset militem, postquam saeptus vallo repente inops omnium rerum erat, ad conloquium consule evocato, si solvendae obsidionis causa venerit Romanus, abducturum se inde Volscos ait.
2 Adversus ea consul victis condiciones accipiendas esse, non ferendas respondit, neque ut venerint ad oppugnandos socios populi Romani suo arbitrio, ita
3 abituros Volscos esse. Dedi imperatorem, arma poni iubet, et fatentes victos se esse[1] imperio parere; aliter tam abeuntibus quam manentibus se hostem infensum victoriam potius ex Volscis quam pacem
4 infidam Romam relaturum. Volsci exiguam spem in armis alia undique abscisa cum temptassent, praeter cetera adversa loco quoque iniquo ad pugnam con-

[1] et fatentes victos se esse *Walters*: fatentes uictos se esse et Ω.

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[1] Apparently the Volsci had not succeeded in drawing their lines completely round the city.

now fast drawing to a close, ordered his soldiers B.C. 443
to refresh themselves. Then in the fourth watch he marched out, and commencing a contravallation, made such speed that at sunrise the Volsci perceived that they were more securely hemmed in by the Romans than was the city by themselves; and on one side the consul had thrown out a work to join the walls of Ardea, in order that his friends in the town might be enabled to come and go.[1]

X. The Volscian commander, who had maintained his men up to that time not out of a store provided in advance, but with corn taken from day to day in pillaging the country-side, was no sooner shut in by the rampart than he found himself all at once destitute of everything. He therefore invited the consul to a parley, and said that if the Roman general had come for the purpose of raising the siege, he would lead the Volscians off. The consul replied that it was for the conquered to accept terms, not to make them; the Volsci had consulted their own pleasure in coming to attack the allies of the Roman People; it would be otherwise with their departure. He ordered them to surrender their general, to lay down their arms, and, confessing themselves defeated, to yield to his authority; if they did not, he would be their determined enemy, whether they attempted to go or to stay, and would rather bring back to Rome a victory over the Volsci than a treacherous peace with them. The Volsci, testing the small hope that arms held out to them—for all other hope had been cut off—fought, not to speak of other disadvantages, in a position that was unfavourable for battle and still more unfavourable

A.U.C. 311

gressi, iniquiore ad fugam, cum ab omni parte caederentur, ad preces a certamine versi, dedito imperatore traditisque armis sub iugum missi cum singulis vestimentis ignominiae cladisque pleni dimit-
5 tuntur; et cum haud procul urbe Tusculo consedissent, vetere Tusculanorum odio inermes oppressi
6 dederunt poenas vix nuntiis caedis relictis. Romanus Ardeae turbatas seditione res principibus eius motus securi percussis bonisque eorum in publicum Ardeatium redactis composuit; demptamque iniuriam iudicii tanto beneficio populi Romani Ardeates credebant; senatui superesse aliquid ad delendum publicae
7 avaritiae monumentum videbatur. Consul triumphans in urbem redit Cluilio[1] duce Volscorum ante currum ducto praelatisque spoliis quibus dearmatum exercitum hostium sub iugum miserat.

8 Aequavit, quod haud facile est, Quinctius consul togatus armati gloriam collegae, quia concordiae pacisque domesticae[2] curam iura infimis summisque moderando ita tenuit ut eum et patres severum con-
9 sulem et plebs satis comem crediderint. Et adversus tribunos auctoritate plura quam certamine tenuit; quinque consulatus eodem tenore gesti vitaque omnis consulariter acta verendum paene

[1] Cluilio *Vascosanus*: ciuilio *MOHDLA*: ciuili *V? PFUB*.
[2] domesticae *Jac. Gronov.*: domesticam Ω.

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[1] Whereby certain land over which Ardea and Aricia were in litigation was awarded by the Roman People to themselves. See III. lxxi. and IV. i. 4.

for flight; and being cut to pieces on every side, B.C. 443
left off fighting and fell to entreaties; and after giving up their general and handing over their weapons, were sent under the yoke, with a single garment each, and so dismissed, overwhelmed with shame and disaster. But on their encamping not far from the city of Tusculum, the Tusculans, upon an old grudge, attacked them in their defenceless state, and exacted so heavy a penalty that they scarce left any to report the massacre. The Roman commander, finding Ardea distracted by sedition, composed its troubles by beheading the ringleaders of the revolt and confiscating their property to the public treasury of the Ardeates. The townsmen thought that the great service which the Roman People had thus rendered them had cancelled the injustice of the judgment,[1] but the Roman senate felt that something still remained to do in order to wipe out that reminder of the national greed. The consul returned to the City and triumphed, making Cluilius, the leader of the Volsci, walk before his chariot, and displaying the spoils which he had taken from the hostile army, before sending them under the yoke.

It is no easy thing to do, but the consul Quinctius equalled in civil life the fame of his armed colleague; for so well did he maintain domestic peace and concord, by tempering the law to high and low, that the Fathers regarded him as a strict consul, and the plebs as mild enough. He held his own, too, with the tribunes, more by his personal influence than by contending with them. Five consulships administered on the self-same principles, and a life which had been throughout of consular

A.U.C. 311 ipsum magis quam honorem faciebant. Eo tribunorum militarium nulla mentio his consulibus fuit.

A.U.C. 312 XI. Consules creantur[1] M. Fabius Vibulanus,
2 Postumus Aebutius Cornicen. Fabius et Aebutius
consules, quo maiori gloriae rerum domi forisque
gestarum succedere se cernebant, maxime autem
memorabilem annum apud finitimos socios hostesque
esse, quod Ardeatibus in re praecipiti tanta foret
3 cura subventum, eo impensius, ut delerent prorsus
ex animis hominum infamiam iudicii, senatus con-
sultum fecerunt ut, quoniam civitas Ardeatium
intestino tumultu redacta ad paucos esset, coloni eo
4 praesidii causa adversus Volscos scriberentur. Hoc
palam relatum in tabulas, ut plebem tribunosque
falleret iudicii rescindendi consilium initum; con-
senserant autem ut multo maiore parte Rutulorum
colonorum quam Romanorum scripta nec ager ullus
divideretur nisi is, qui interceptus iudicio infami
erat, nec ulli prius Romano ibi quam omnibus Rutu-
5 lis divisus esset, gleba ulla agri adsignaretur. Sic
ager ad Ardeates rediit. Triumviri ad coloniam
Ardeam deducendam creati Agrippa Menenius T.
6 Cloelius[2] Siculus, M. Aebutius Helva; qui praeter
minime populare ministerium, agro adsignando sociis
quem populus Romanus suum iudicasset cum plebem

[1] creantur *V*: creant Ω (*which give the names following in the acc., while V has the nom.*).

[2] Cloelius ς: cluilius *VMPFB*: ciuilius *OHD²LA*: ciuiuus *D*: duilius *UP*.

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[1] As a *senatus consultum*, to be submitted to the people for ratification.

dignity, made the man himself almost more revered than his office. Hence there was no talk of military tribunes while these men were consuls. B.C. 443

XI. Marcus Fabius Vibulanus and Postumus Aebutius Cornicen were elected to the consulship. B.C. 441 These men, perceiving that they succeeded to a period of great renown for civil and military achievements, and that nothing made the year so memorable in the eyes of neighbouring peoples, both allies and enemies, as the earnestness with which the Romans had come to the assistance of the Ardeates in their dangerous crisis, were the more concerned to erase completely from men's minds the disgrace of the judgment. They accordingly caused the senate to decree that inasmuch as the citizens of Ardea had been reduced by domestic troubles to a small number, colonists should be enrolled to defend that city against the Volsci. This was the form in which the decree was drawn up and published,[1] that the plebs and the tribunes might not perceive that a plan was on foot for rescinding the judgment; but the senators had privately agreed that they would enrol as colonists a much larger proportion of Rutulians than Romans, and that no land should be parcelled out except that which had been sequestered by the infamous decision, nor a single clod assigned there to any Roman until all the Rutulians had been provided for. Thus the land reverted to the Ardeates. As triumvirs for establishing the colony at Ardea they appointed Agrippa Menenius, Titus Cloelius Siculus, Marcus Aebutius Helva. These men not only had a far from popular service to perform, and offended the plebs by assigning to the allies land which the Roman People

A.U.C. 312 offendissent, ne primoribus quidem patrum satis
7 accepti, quod nihil gratiae cuiusquam dederant, vexationes ad populum iam die dicta ab tribunis, remanendo[1] in colonia, quam testem integritatis iustitiaeque habebant, vitavere.

A.U.C. 313–314 XII. Pax domi forisque fuit et hoc et insequente anno C. Furio Paculo[2] et M. Papirio Crasso consuli-
2 bus. Ludi ab decemviris per secessionem plebis a patribus ex senatus consulto voti eo anno facti sunt.
3 Causa seditionum nequiquam a Poetelio[3] quaesita, qui tribunus plebis iterum ea ipsa denuntiando factus
4 neque ut de agris dividendis plebi referrent consules ad senatum pervincere potuit, et cum magno certamine obtinuisset ut consulerentur patres, consulum an tribunorum placeret comitia haberi, consules
5 creari iussi sunt; ludibrioque erant minae tribuni denuntiantis se dilectum impediturum, cum quietis finitimis neque bello neque belli apparatu opus esset.

6 Sequitur hanc tranquillitatem rerum annus Proculo Geganio Macerino L. Menenio Lanato consulibus multiplici clade ac periculo insignis, seditionibus, fame, regno prope per largitionis dulcedinem in
7 cervices accepto; unum afuit bellum externum; quo si adgravatae res essent, vix ope deorum omnium

[1] remanendo *V*: coloni adscripti remanendo (adscribiti *M*; colonis *D*; coloni adscripta *F*) Ω.

[2] Paculo *Conway*: pacilio Ω.

[3] Poetelio *Sigonius* (*C.I.L.* i^2, *p.* 126): poetilio (poetirio M; potilio F; petilio *BOA*) Ω.

had adjudged to be its own; but failed to satisfy even the great patricians, because they had done nothing to conciliate any man's goodwill. They therefore avoided vexatious attacks before the people—where the tribunes had already summoned them for trial—by remaining in the colony, which bore witness to their integrity and justice. B.C. 442

XII. There was peace at home and abroad during this and the following year, when Gaius Furius Paculus and Marcus Papirius Crassus were consuls. The games which the decemvirs had vowed in pursuance of a decree of the senate, during the secession of the plebs from the patricians, were that year celebrated. Occasion for dissension was sought in vain by Poetelius, who though he had got himself elected plebeian tribune for the second time, by proclaiming that he would carry through these very measures, was unsuccessful in forcing the consuls to lay before the senate a proposal for assigning land to the plebs; and when, after a hard struggle, he obtained a vote of the senate to determine whether consuls or tribunes should be elected, the decision was for consuls. Men only laughed when the tribune threatened to hold up the levy, for the neighbouring peoples were quiet, and war and warlike preparations were alike uncalled for. B.C. 441–440

To this tranquil period succeeded the consulship of Proculus Geganius Macerinus and Lucius Menenius Lanatus, a year conspicuous for numerous deaths and dangers, for seditions, famine, and for the yoke of sovereignty, to which, won over by largesses, men almost bowed their necks. The one thing lacking was foreign war, and if that had been added to their burden they could hardly have held out, though all

A.U.C. 313-314

resisti potuisset. Coepere a fame mala, seu adversus annus frugibus fuit, seu dulcedine contionum et urbis deserto agrorum cultu; nam utrumque traditur. Et patres plebem desidem et tribuni plebis nunc fraudem nunc neglegentiam consulum accusabant.
8 Postremo perpulere plebem haud adversante senatu ut L. Minucius praefectus annonae crearetur, felicior in eo magistratu ad custodiam libertatis futurus quam ad curationem ministerii sui, quamquam postremo annonae quoque levatae haud immeritam et gratiam
9 et gloriam tulit. Qui cum multis circa finitimos populos legationibus terra marique nequiquam missis, nisi quod ex Etruria haud ita multum frumenti advectum est, nullum momentum annonae fecisset,
10 et revolutus ad dispensationem inopiae, profiteri cogendo frumentum et vendere quod usui menstruo superesset, fraudandoque parte diurni cibi servitia, criminando inde et obiciendo irae populi frumentarios, acerba inquisitione aperiret magis quam
11 levaret inopiam, multi ex plebe, spe amissa, potius quam ut cruciarentur trahendo animam, capitibus obvolutis se in Tiberim praecipitaverunt.

A.U.C. 314-315

XIII. Tum Sp. Maelius ex equestri ordine, ut illis temporibus praedives, rem utilem pessimo exemplo
2 peiore consilio est adgressus. Frumento namque ex

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[1] As the ancients usually did when conscious that they were about to die. *Cf.* the story of Caesar's death in Suetonius (*Iulius*, lxxxii).

[2] The *ordo equester* here means the eighteen centuries of cavalry, and must not be confused with the later *ordo equester*, consisting of all citizens below senatorial rank, whose property was assessed at 400,000 sesterces. Maelius was a plebeian *eques*.

B.C. 441-440

the gods had aided them. The troubles began with a dreadful famine, whether because the season was unfavourable for crops, or that the attraction of assemblies and city-life had left the fields uncultivated; for both explanations have been given. The patricians accused the plebeians of idleness, and the tribunes of the plebs accused the consuls now of dishonesty, now of carelessness. In the end they brought the plebs, with no opposition on the senate's part, to elect Lucius Minucius prefect of the corn-supply. He was destined, while filling this magistracy, to be more successful in safe-guarding liberty than in discharging the duties of his office, although in the end he also earned and received both gratitude and glory for relieving the scarcity. For although he had dispatched to neighbouring peoples many embassies by land and sea without result—save that a little corn was brought in from Etruria—he found that he had not materially improved the supply. He then fell back upon the plan of distributing the shortage. He forced men to declare their stocks of corn and to sell the surplus above the requirements of a month; he deprived the slaves of a portion of their daily ration; he brought charges against the dealers and exposed them to the anger of the people; and by this bitter inquisition rather revealed than alleviated the scarcity, so that many of the plebeians lost hope, and sooner than suffer torment by prolonging their existence, covered up their heads[1] and threw themselves into the Tiber.

B.C. 440-439

XIII. Then Spurius Maelius, of the equestrian order,[2] a man for those times very rich, undertook to do a useful thing in a way that set a very bad example and had a motive still worse. For having

A.U.C. 314-315 Etruria privata pecunia per hospitum clientiumque ministeria coempto, quae, credo, ipsa res ad levandam publica cura annonam impedimento fuerat,
3 largitiones frumenti facere instituit; plebemque hoc munere delenitam, quacumque incederet, conspectus elatusque supra modum hominis privati, secum trahere, haud dubium consulatum favore ac spe
4 despondentem. Ipse, ut est humanus animus insatiabilis eo quod fortuna spondet, ad altiora et non concessa tendere, et quoniam consulatus quoque eripiendus invitis patribus esset, de regno agitare: id unum dignum tanto apparatu consiliorum et certamine, quod ingens exsudandum esset, praemium
5 fore. Iam comitia consularia instabant; quae res eum necdum compositis maturisve satis consiliis
6 oppressit. Consul sextum creatus T. Quinctius Capitolinus, minime opportunus vir novanti res; collega additur ei Agrippa Menenius, cui Lanato
7 erat cognomen; et L. Minucius praefectus annonae seu refectus seu, quoad res posceret, in incertum creatus; nihil enim constat, nisi in libros linteos utroque anno relatum inter magistratus praefecti
8 nomen. Hic Minucius eandem publice[1] curationem agens quam Maelius privatim agendam susceperat, cum in utraque domo genus idem hominum versaretur, rem compertam ad senatum

[1] eandem publice *Florebellus*: eandem reīp. (*or* reīp) Ω: eandem rēp. *M*: ead.. reip. *V*.

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[1] *i.e.* corn-dealers.

bought up corn in Etruria with his own money, B.C. 440-439
through the agency of friends and clients there—which very circumstance had hindered, I can well believe, the public efforts to bring down prices—he set about distributing it gratis. The plebeians were captivated by this munificence; wherever he went, conspicuous and important beyond the measure of a private citizen, they followed in his train; and the devotion and hope he inspired in them gave him no uncertain assurance of the consulship. He himself, so insatiable of fortune's promises is the heart of man, began to cherish a loftier and less allowable ambition; and since even the consulship would have to be wrested from unwilling nobles, considered how he might be king: nothing else, he felt, would adequately reward him for his elaborate schemes and the toil and moil of the great struggle he must make. The consular election was now at hand, and found him with his plans not yet fully ripened. For the sixth time Titus Quinctius Capitolinus was chosen consul, a most unsuitable man for the purposes of a would-be revolutionary. For colleague he was given Agrippa Menenius, surnamed Lanatus; and Lucius Minucius either was reappointed prefect of the corn-supply or had been named for an indefinite period, so long as the situation should require; for authorities do not agree, but the name of the prefect is entered in the Linen Rolls among the magistrates for both years. This Minucius was discharging the same function in his public capacity which Maelius had undertaken to perform as a private citizen, and the same sort of men[1] were coming and going in both their houses. Thus Minucius discovered the affair and reported to the senate that weapons were

A.U.C. 314-315

9 defert: tela in domum Maeli[1] conferri, eumque
contiones domi habere, ac non dubia regni consilia
esse. Tempus agendae rei nondum stare: cetera
iam convenisse: et tribunos mercede emptos ad
prodendam libertatem et partita ducibus multitudinis
ministeria esse. Serius se paene quam tutum fuerit,
ne cuius incerti vanique auctor esset, ea deferre.
10 Quae postquam sunt audita, cum[2] undique primores
patrum et prioris anni consules increparent quod eas
largitiones coetusque plebis in privata domo passi
essent fieri, et novos consules quod exspectassent
donec a praefecto annonae tanta res ad senatum
deferretur, quae consulem non auctorem solum
11 desideraret sed etiam vindicem; tum Quinctius
consules immerito increpari ait, qui constricti legibus
de provocatione ad dissolvendum imperium latis,
nequaquam tantum virium in magistratu ad eam
rem pro atrocitate vindicandam quantum animi
haberent. Opus esse non forti solum viro, sed
12 etiam libero exsolutoque legum vinclis. Itaque se
dictatorem L. Quinctium dicturum; ibi animum
parem tantae potestati esse. Adprobantibus cunctis
primo Quinctius abnuere et quid sibi vellent rogitare,
qui se aetate exacta tantae dimicationi obicerent.
13 Dein cum undique plus in illo senili animo non
consilii modo, sed etiam virtutis esse quam in omnibus
aliis dicerent laudibusque haud immeritis onerarent,

[1] Maeli *Conway and Walters*: maelii (*or* melii) Ω: maeuii *V*.
[2] cum *Alschefski*: et Ω.

B.C. 440-439

being collected at the house of Maelius, that he was haranguing people there, and that they were certainly contriving a kingdom; the time for executing the plot was not yet fixed; all else had been agreed upon: the tribunes had been bribed to betray liberty, and the leaders of the mob had been assigned their parts. He said that he had withheld his report of these things almost longer than was safe, that he might not become voucher for anything of an uncertain or trivial nature. On hearing this the leaders of the senate loudly blamed the consuls of the year before because they had suffered these donations and plebeian gatherings to take place in a private house, and the new consuls because they had waited till information of so grave a crime was laid before the senate by the prefect of the corn-supply, though it wanted a consul not only to report it but to punish it; but Quinctius said that the consuls were blamed unjustly, for, constrained by the laws of appeal, which had been enacted in order to break down their authority, they had by no means so much power in their office as they had will to punish so heinous an offence in the way it deserved. There was need, he continued, of a man, and one who was not only brave, but free and unfettered by the laws. He would therefore name Lucius Quinctius dictator; there was a spirit whose stature was equal to that great power. Despite the universal approval of this step, Quinctius at first refused, and asked what they meant by exposing him at the end of his life to so fierce a struggle. Then, when men called out on every side that there was not only more wisdom but more courage in that old man's heart than in all the rest and loaded him with not

A.U.C. 314–315 14 et consul nihil remitteret, precatus tandem deos immortales Cincinnatus ne senectus sua in tam trepidis rebus damno dedecorive rei publicae esset, dictator a consule dicitur. Ipse deinde C. Servilium Ahalam magistrum equitum dicit.

A.U.C. 315 XIV. Postero die dispositis praesidiis cum in forum descendisset conversaque in eum plebs novitate rei ac miraculo esset, et Maeliani atque ipse dux eorum 2 in se intentam vim tanti imperii cernerent, expertes consiliorum regni qui tumultus, quod bellum repens aut dictatoriam maiestatem aut Quinctium post octogesimum annum rectorem rei publicae quaesisset 3 rogitarent, missus ab dictatore Servilius magister equitum ad Maelium "Vocat te" inquit, "dictator." Cum pavidus ille quid vellet quaereret Serviliusque causam dicendam esse proponeret crimenque a 4 Minucio delatum ad senatum diluendum, tunc Maelius recipere se in catervam suorum, et primum circumspectans tergiversari, postremo cum apparitor iussu magistri equitum duceret, ereptus a circumstantibus fugiensque fidem plebis Romanae implorare, 5 et opprimi se consensu patrum dicere, quod plebi benigne fecisset; orare ut opem sibi ultimo in discrimine ferrent neve ante oculos suos trucidari

unmerited compliments, and when the consul would not recede from his purpose, at length Cincinnatus uttered a prayer to the immortal gods that they would not suffer his old age to bring harm or shame to the republic in so perilous a case, and was pronounced dictator by the consul. He then himself named Gaius Servilius Ahala his master of the horse. B.C. 440–439

XIV. The next day, after disposing guards at several points he went down into the Forum, where the novel and surprising sight drew upon him the attention of the plebs. The followers of Maelius and their leader himself perceived that it was against them that the force of that high authority was aimed; while those who knew nothing of the plans for setting up a king asked what outbreak or what sudden war had called for the majesty of a dictator or for Quinctius (now past his eightieth year) to direct the state. Then Servilius, the master of the horse, being sent by the dictator to Maelius, said: "The dictator summons you." When Maelius, trembling, asked what he wanted, Servilius replied that he must stand his trial and clear himself of a charge which Minucius had lodged against him with the senate. Then Maelius drew back into the crowd of his retainers, and at first, glancing this way and that, attempted to avoid the issue; but finally, when the attendant, being so commanded by the master of the horse, would have led him away, he was torn from his grasp by the bystanders and fled, calling on the Roman plebs to protect him, declaring that he was overthrown by a plot of the patricians because he had acted kindly by the commons, and begging them to help him in his extremity and not permit him to be murdered before their eyes. While B.C. 439

A.U.C. 315

6 sinerent. Haec eum vociferantem adsecutus Ahala Servilius obtruncat, respersusque cruore,[1] stipatus caterva patriciorum iuvenum, dictatori renuntiat vocatum ad eum Maelium repulso apparitore concitantem multitudinem poenam meritam habere.
7 Tum dictator "Macte virtute" inquit, "C. Servili, esto liberata re publica."

XV. Tumultuantem deinde multitudinem incerta existimatione facti ad contionem vocari iussit et Maelium iure caesum pronuntiavit etiam si regni crimine insons fuerit, qui vocatus a magistro equitum
2 ad dictatorem non venisset. Se ad causam cognoscendam consedisse, qua cognita habiturum fuisse Maelium similem causae fortunam; vim parantem
3 ne iudicio se committeret, vi coercitum esse. Nec cum eo tamquam cum cive agendum fuisse, qui natus in libero populo inter iura legesque, ex qua urbe reges exactos sciret eodemque anno sororis filios regis et liberos consulis, liberatoris patriae, propter pactionem indicatam recipiendorum in urbem regum
4 a patre securi esse percussos, ex qua Collatinum Tarquinium consulem nominis odio abdicare se magistratu atque exsulare iussum, in qua de Sp. Cassio post aliquot annos propter consilia inita de

[1] cruore *V*: cruore obtruncati Ω.

[1] This is inexact; from I. lvi. 7 we learn that it was Brutus, the father of the young men in question, who was nephew to the king, on the mother's side.
[2] See II. xli.

he was screaming out these appeals, Servilius Ahala B.C. 439 overtook and slew him; then, bespattered with his blood and guarded by a company of young nobles, he returned to the dictator and reported that Maelius, having been summoned to appear before him, had repulsed the attendant and was rousing up the populace when he received the punishment he had deserved. Whereat the dictator exclaimed, "Well done, Gaius Servilius; you have delivered the commonwealth!"

XV. Then, as the crowd was in a turmoil, not knowing what to think of the deed, he bade convoke them to an assembly. There he asserted that Maelius had been justly slain, even though he had been innocent of plotting to make himself king, since he had been cited before the dictator by the master of the horse and had not obeyed. He himself, he said, had sat to hear the cause, and if the hearing had been concluded Maelius would have prospered as his cause deserved; but, planning violence to avoid undergoing trial, he had been repressed by violence. Neither would it have been right to deal with Maelius as with a citizen. The man had been born amongst a free people enjoying rights and laws, in a City from which he knew that the kings had been banished, and how in that very year the king's nephews,[1] sons of the consul who had freed his country, had, on the exposure of a compact they had made to bring the princes back to Rome, been beheaded by their father's orders. He knew that in this City the consul Tarquinius Collatinus had been commanded, out of hatred for the name he bore, to lay down his office and go into exile; that here, some years after, Spurius Cassius[2] had been punished for aiming at

A.U.C. 315 regno supplicium sumptum, in qua nuper decemviros
bonis, exsilio, capite multatos ob superbiam regiam,
5 in ea Sp. Maelius spem regni conceperit. Et
quis homo? Quamquam nullam nobilitatem, nullos
honores, nulla merita cuiquam ad dominationem
pandere viam; sed tamen Claudios, Cassios con-
sulatibus, decemviratibus, suis maiorumque honori-
bus, splendore familiarum sustulisse animos quo
6 nefas fuerit: Sp. Maelium, cui tribunatus plebis
magis optandus quam sperandus fuerit, frumentarium
divitem, bilibris farris sperasse libertatem se civium
suorum emisse, ciboque obiciendo ratum victorem
finitimorum omnium populum in servitutem perlici
7 posse, ut quem senatorem concoquere civitas vix
posset regem ferret, Romuli conditoris, ab dis orti,[1]
recepti ad deos, insignia atque imperium habentem.
Non pro scelere id magis quam pro monstro haben-
8 dum, nec satis esse sanguine eius expiatum, nisi
tecta parietesque intra quae tantum amentiae con-
ceptum esset dissiparentur bonaque contacta pretiis
regni mercandi publicarentur. Iubere itaque quaes-
tores vendere ea bona atque in publicum redigere.

XVI. Domum deinde, ut monumento area esset oppressae nefariae spei, dirui extemplo iussit. Id

ab dis (*spelled, as often,* diis) orti Ω: ab diis sorti *MPH*: ad diis *B*.

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[1] The reference is to Appius Claudius the decemvir.

royalty; that here, but lately, the decemvirs had been visited with confiscation, banishment, and death, because of kingly arrogance. Yet in this same City a Spurius Maelius had conceived the hope of reigning. And who was this fellow? To be sure, no nobility, no honours, no merits, opened wide the road to tyranny for any man; nevertheless the Claudii[1] and Cassii had been encouraged by consulships and decemvirates, by their own honours and those of their forefathers, and by the splendour of their families, to aim at forbidden heights; Spurius Maelius, a rich corn-dealer, a man who might have desired but ought scarcely to have hoped to become a plebeian tribune, had flattered himself that for a couple of pounds of spelt he had purchased the liberty of his fellow citizens; he had imagined that by flinging food to them he could entice into slavery a people who had conquered all their neighbours, so that a state which could scarce have stomached him as a senator would endure him for its king, having the insignia and authority of Romulus its founder, who was descended from the gods and had returned to them. This ought to be regarded as a thing no less monstrous than wicked; nor was his blood sufficient expiation, unless the roof and walls within which such madness had been conceived should be demolished, and the goods which had been tainted with the offer of them as the price to buy a tyranny be confiscated; he therefore bade the quaestors sell those goods and place the proceeds in the public treasury. B.C. 439

XVI. Quinctius then commanded the man's house to be pulled down, that the bare site might commemorate the frustration of his wicked purpose. The B.C. 438

A.U.C. 316

2 Aequimaelium appellatum est. L. Minucius bove et statua aurata [1] extra portam Trigeminam est donatus ne plebe quidem invita quia frumentum Maelianum
3 assibus in modios aestimatum plebi divisit. Hunc Minucium apud quosdam auctores transisse a patribus ad plebem undecimumque tribunum plebis cooptatum seditionem motam ex Maeliana caede
4 sedasse invenio; ceterum vix credibile est numerum tribunorum patres augeri passos, idque potissimum exemplum a patricio homine introductum, nec deinde id plebem [2] concessum semel obtinuisse aut certe temptasse. Sed ante omnia refellit falsum imaginis titulum paucis ante annis lege cautum ne tribunis
5 collegam cooptare liceret. Q. Caecilius, Q. Iunius, Sex. Titinius soli ex collegio tribunorum neque tulerant de honoribus Minuci legem et criminari nunc Minucium nunc Servilium apud plebem queri-
6 que indignam necem Maeli non destiterant. Pervicerunt igitur ut tribunorum militum potius quam consulum comitia haberentur, haud dubii quin sex locis—tot enim iam creari licebat—et plebeii aliqui profitendo se ultores fore Maelianae caedis, crea-
7 rentur. Plebs, quamquam agitata multis eo anno et variis motibus erat, nec pluris quam tres tribunos

[1] bove et statua aurata *Conway* (*in note, but cites against his conj.* XL. xxxiv. 5): boue aurato (aturato *M*) Ω.
[2] plebem ς: plebi Ω.

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[1] The Aequimaelium was in the Vicus Iugarius, below the Capitol. Cicero derives the name from *aequus* "just," because Maelius was justly punished (*de Domo*, 101); Varro from *aequus* "level" (*L.L.* V. 157).
[2] The Lex Trebonia of 448 B.C. (III. lxv. 4) required the election officials to continue the voting until ten tribunes had been chosen, but said nothing about the co-optation of an eleventh.

place was named Aequimaelium.[1] Lucius Minucius B.C. 438
was presented with an ox and a gilded statue outside the Porta Trigemina, without opposition even on the part of the plebs, since Minucius divided the corn of Maelius among them at the price of one *as* the peck. I find it stated by some historians that this Minucius went over from the patricians to the plebeians, and being co-opted an eleventh tribune of the plebs, allayed the rebellious feeling which arose from the killing of Maelius; but it is hardly credible that the patricians should have permitted the number of tribunes to be increased, and that this precedent, of all others, should have been introduced by a patrician; or that the plebs, having once obtained this concession, should not have held fast to it, or at least have tried to do so. But what proves more conclusively than anything the falsity of the inscription on his portrait is this, that it was enacted by law a few years before that the tribunes might not co-opt a colleague.[2] Quintus Caecilius, Quintus Junius, and Sextus Titinius were the only members of the college of tribunes who had not supported the law conferring honours on Minucius, and had never ceased to accuse now Minucius, now Servilius, before the plebs, and to complain of the unmerited death of Maelius. So they forced through a measure providing that military tribunes should be elected instead of consuls, not doubting that for some of the six places—for this was now the number that might be filled—plebeians would be chosen, if they would promise to avenge the death of Maelius. The plebeians, though they had been aroused that year by many different commotions, elected no more than three tribunes with consular powers, and among

A.U.C. 316 consulari potestate creavit et in his L. Quinctium, Cincinnati filium, ex cuius dictaturae invidia tumultus
8 quaerebatur. Praelatus suffragiis Quinctio Mamercus Aemilius, vir summae dignitatis; L. Iulium tertium creant.

A.U.C. 317 XVII. In horum magistratu Fidenae, colonia Romana, ad Lartem Tolumnium[1] ac Veientes de-
2 fecere. Maius additum defectioni scelus: C. Fulcinium Cloelium Tullum Sp. Antium[2] L. Roscium, legatos Romanos, causam novi consilii quaerentes,
3 iussu Tolumni interfecerunt. Levant quidam regis facinus: in tesserarum prospero iactu vocem eius ambiguam, ut occidi iussisse videretur, a Fidenatibus exceptam causam mortis legatis fuisse,—rem incredi-
4 bilem, interventu Fidenatium, novorum sociorum, consulentium de caede ruptura ius gentium, non aversum ab intentione lusus animum nec deinde
5 in errorem versum facinus. Propius est fidem obstringi Fidenatium populum ne respicere spem ullam ab Romanis posset conscientia tanti sceleris
6 voluisse. Legatorum qui Fidenis caesi erant statuae publice in Rostris positae sunt. Cum Veientibus Fidenatibusque, praeterquam finitimis populis, ab causa etiam tam nefanda bellum exorsis atrox dimicatio instabat.

[1] Tolumnium *H. J. Mueller*: Tolumnium Veientium (uenientium *B*) regem Ω.

[2] Sp. Antium (espantium *M*; spuantium *V*) Ω: Sp. Nautium *Mommsen* (*cf. Plin. N.H.* XXXIV. vi. 23).

[1] A slight anachronism, as the speaker's platform in the Forum was not called Rostra till 338 B.C., when Gaius Menenius decorated it with the *rostra* (beaks) of the ships taken at Antium (VIII. xiv. 12).

these Lucius Quinctius, son of Cincinnatus, from B.C. 438 whose dictatorship men were trying to derive the odium for inspiring a mutiny. Aemilius Mamercus, a man of the highest standing, was ahead of Quinctius in the voting; Lucius Julius was elected third.

XVII. During the term of these magistrates, B.C. 437 Fidenae, a Roman colony, revolted to Lars Tolumnius and the Veientes. To their defection they added a worse crime, for when Gaius Fulcinius, Cloelius Tullus, Spurius Antius, and Lucius Roscius, Roman envoys, came to inquire the reason of this new policy, at the command of Tolumnius they put them to death. Some persons seek to palliate the king's act, saying that an ambiguous expression of his upon a lucky throw of dice, which made him seem to order them to kill the envoys, was heard by the Fidenates and was responsible for the men's death. But it is quite incredible that the king on being interrupted by the Fidenates, his new allies, come to consult him about a murder that would violate the law of nations, should not have withdrawn his attention from the game, and that the attribution of the crime to a mistake did not come later. It is easier to believe that he wished the people of Fidenae to be involved by the consciousness of so heinous a deed, that it might be impossible for them to hope for any reconciliation with the Romans. The envoys who had been slain at Fidenae were honoured, at the public cost, with statues on the Rostra.[1] With the Veientes and Fidenates, not only because they were neighbouring peoples, but also in consequence of the nefarious act with which they had begun the war, a bitter struggle now impended.

A.U.C. 317
7 Itaque ad curam summae rerum quieta plebe
tribunisque eius nihil controversiae fuit quin con-
sules crearentur M. Geganius Macerinus tertium
8 et L. Sergius Fidenas. A bello credo quod deinde
gessit appellatum; hic enim primus cis Anienem
cum rege Veientium secundo proelio conflixit, nec
incruentam victoriam rettulit. Maior itaque ex
civibus amissis dolor quam laetitia fusis hostibus
fuit, et senatus ut in trepidis rebus dictatorem dici
9 Mamercum Aemilium iussit. Is magistrum equitum
ex collegio prioris anni, quo simul tribuni militum
consulari potestate fuerant, L. Quinctium Cincin-
10 natum, dignum parente iuvenem, dixit. Ad dilec-
tum a consulibus habitum centuriones veteres belli
periti adiecti et numerus amissorum proxima pugna
expletus. Legatos T. Quinctium[1] Capitolinum et
11 M. Fabium Vibulanum sequi se dictator iussit. Cum
potestas maior tum vir quoque potestati par hostes
ex agro Romano trans Anienem submovere; collesque
inter Fidenas atque Anienem ceperunt referentes
castra, nec ante in campos degressi[2] sunt quam
12 legiones Faliscorum auxilio[3] venerunt. Tum demum
castra Etruscorum pro moenibus Fidenarum posita.
Et dictator Romanus haud procul inde ad confluentes
consedit in utriusque ripis amnis, qua sequi muni-

[1] T. Quinctium *H. J. Mueller*: quinctium *L*: quintium *V*: quintum Ω.
[2] degressi *Sigonius*: digressi Ω.
[3] Faliscorum auxilio *Kiehl*: Faliscorum auxiliorum *V*: auxilio Faliscorum Ω.

Accordingly, out of regard for the general welfare, B.C. 437 the plebeians and their tribunes kept quiet, and raised no opposition to the election as consuls of Marcus Geganius Macerinus (for the third time) and Lucius Sergius Fidenas. I suppose that the name was given him from the war which he then waged; for he was the first who fought a successful battle on this side the Anio with the king of the Veientes; but he gained no bloodless victory, and so there was more grief for the citizens who were lost than rejoicing over the defeat of the enemy; and the senate, as is usual in an alarming situation, commanded the appointment of a dictator, Mamercus Aemilius. He named as his master of the horse a man who had been his colleague the year before, when they had both been military tribunes with consular authority, namely Lucius Quinctius Cincinnatus, a young man worthy of his father. To the troops which the consuls levied were added veteran centurions experienced in war, and the losses of the last battle were made good. The dictator bade Titus Quinctius Capitolinus and Marcus Fabius Vibulanus follow him as his lieutenants. The high authority of the dictatorship, in the hands of one who was equal to it, drove the enemy out of Roman territory and across the Anio. They withdrew their camp and pitched upon the hills between Fidenae and the Anio; nor did they descend into the plains until the forces of the Faliscans had come to their support. Then, and not till then, did the Etruscans encamp before the walls of Fidenae. The Roman dictator likewise went into camp not far off, on the banks of both rivers, at their confluence, and threw up a rampart between his army and the enemy, where he

A.U.C. 317 mento poterat vallo interposito. Postero die in aciem eduxit.

XVIII. Inter hostes variae fuere sententiae. Faliscus, procul ab domo militiam aegre patiens satisque fidens sibi, poscere pugnam: Veienti Fiden-
2 atique plus spei in trahendo bello esse. Tolumnius, quamquam suorum magis placebant consilia, ne longinquam militiam non paterentur Falisci, postero
3 die se pugnaturum edicit. Dictatori ac Romanis, quod detractasset pugnam hostis, animi accessere; posteroque die iam militibus castra urbemque se oppugnaturos frementibus ni copia pugnae fiat, utrimque acies inter bina castra in medium campi
4 procedunt. Veiens multitudine abundans, qui inter dimicationem castra Romana adgrederentur post montes circummisit. Trium populorum exercitus ita stetit instructus ut dextrum cornu Veientes, sinistrum Falisci tenerent, medii Fidenates essent.
5 Dictator dextro cornu adversus Faliscos, sinistro contra Veientem Capitolinus Quinctius intulit signa; ante mediam aciem cum equitatu magister equitum
6 processit. Parumper silentium et quies fuit nec Etruscis, nisi cogerentur, pugnam inituris et dictatore arcem Romanam respectante, ut ex ea ab[1] auguribus, simul aves rite admisissent, ex composito
7 tolleretur signum. Quod simul[2] conspexit, primos

[1] ex ea ab *Alschefski*: ex (auguribus) Ω: ex (auribus) *M*.
[2] simul ς: simul ubi Ω.

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[1] *i.e.* where the distance from bank to bank was not too great.
[2] Their city Falerii (now Civitá Castellana) was about twenty-five miles north of Rome.

was able to span the interval with intrenchments.[1] B.C. 437 Next day he formed up in line of battle.

XVIII. The enemy were of several minds. The Faliscans, chafing under service performed away from home[2] and fairly self-confident, demanded battle: the Veientes and Fidenates anticipated greater success from a prolongation of the war. Tolumnius, though the views of his own followers were more agreeable to him, announced that he would fight on the following day, lest the Faliscans might not tolerate a protracted campaign. The dictator and the Romans were encouraged at the enemy's reluctance; and the next day, on the soldiers threatening that they would at once attack the camp and the city, unless the enemy came to an engagement, both armies marched out in line of battle into the plain between the two camps. The Veientes, having men to spare, dispatched a party round the mountains to assail the camp of the Romans during the engagement. The army of the three nations was so drawn up that the Veientes held the right wing, the Faliscans the left, and the Fidenates formed the centre. The dictator advanced on the right, against the Faliscans, and Quinctius Capitolinus on the left, to meet the Veientes; while the master of the horse, with the cavalry, led the attack on the centre. For a brief moment all was hushed and still; since the Etruscans were resolved not to begin fighting unless they were forced, and the dictator kept looking back to the Citadel of Rome, that the augurs might thence make him a signal, as they had arranged to do, the moment the omens were propitious. As soon as he descried the signal, he first sent his cavalry against the enemy,

A.U.C. 317 equites clamore sublato in hostem emisit; secuta
8 peditum acies ingenti vi conflixit. Nulla parte legiones Etruscae sustinuere impetum Romanorum; eques maxime resistebat; equitumque longe fortissimus ipse rex ab omni parte effuse sequentibus obequitans Romanis trahebat certamen.

XIX. Erat tum inter equites tribunus militum A. Cornelius Cossus, eximia pulchritudine corporis, animo ac viribus par memorque generis, quod amplissimum acceptum maius auctiusque reliquit
2 posteris. Is cum ad impetum Tolumni, quacumque se intendisset, trepidantes Romanas videret turmas, insignemque eum regio habitu volitantem tota acie
3 cognosset, "Hicine est" inquit, "ruptor foederis humani violatorque gentium iuris? Iam ego hanc mactatam victimam, si modo sancti quicquam in terris esse di volunt, legatorum manibus dabo."
4 Calcaribus subditis infesta cuspide in unum fertur hostem; quem cum ictum equo deiecisset, confestim
5 et ipse hasta innixus se in pedes excepit. Adsurgentem ibi regem umbone resupinat repetitumque saepius cuspide ad terram adfixit. Tum exsangui detracta spolia caputque abscisum victor spiculo gerens terrore caesi regis hostes fundit.[1] Ita equi-

[1] fundit Ω: fudit *MDAς*: perfudit *Madvig.*

cheering as they charged; and the infantry followed B.C. 437
with a furious attack. At no point could the Etruscan legions withstand the onset of the Romans; their horse made the chief resistance, and of all their horse by far the bravest was the king himself, who rode against the Romans, as they scattered in every direction for the pursuit, and prolonged the struggle.

XIX. There was at that time among the cavalrymen a tribune of the soldiers named Aulus Cornelius Cossus, a man of strikingly handsome person and no less distinguished for courage and strength. Proud of his name, which was very famous when it came to him, he left to his descendants one still greater and more glorious. This man, seeing how Tolumnius, wherever he charged, brought confusion to the Roman squadrons, and recognizing him, conspicuous in his royal dress, as he galloped swiftly up and down the line, exclaimed, "Is this the breaker of human leagues, the violater of the law of nations? I will speedily offer him up as a sacrificial victim, if only it is the will of Heaven that there should be aught sacred on this earth, to the manes of the envoys!" Clapping spurs to his charger and levelling his spear, he made for his one enemy. Having struck and unhorsed his man, he himself leaped quickly to the ground by the help of his lance, and as the king struggled to his feet flung him back with the boss of his shield, and plunging the spear again and again into his body, pinned him to earth. Then stripping the spoils from the corpse and cutting off the head, he bore it victoriously on the point of his spear and drove the enemy before him, panic-stricken at the sight of their slain king. Thus

A.U.C. 317 tum quoque fusa acies, quae una fecerat anceps
6 certamen. Dictator legionibus fugatis instat et ad castra compulsos caedit. Fidenatium plurimi locorum notitia effugere in montes. Cossus Tiberim cum equitatu transvectus ex agro Veientano ingentem
7 detulit praedam ad urbem. Inter proelium et ad castra Romana pugnatum est adversus partem copiarum ab Tolumnio, ut ante dictum est, ad castra
8 missam. Fabius Vibulanus corona primum vallum defendit; intentos deinde hostes in vallum, egressus dextra principali cum triariis, repente invadit. Quo pavore iniecto caedes minor, quia pauciores erant, fuga non minus trepida quam in acie fuit.

XX. Omnibus locis re bene gesta dictator senatus consulto iussuque populi triumphans in urbem re-
2 diit. Longe maximum triumphi spectaculum fuit Cossus spolia opima regis interfecti gerens. In eum milites carmina incondita aequantes eum Ro-
3 mulo canere. Spolia in aede Iovis Feretri prope Romuli spolia quae, prima opima appellata, sola ea tempestate erant, cum sollemni dedicatione dono fixit; averteratque in se a curru dictatoris civium ora et celebritatis eius diei fructum prope solus

[1] A Roman camp was divided by the Via Principalis, which ran from one side to the other, with a gate at each end of it, called respectively *Porta Principalis dextra*, and *P. P. sinistra*.

[2] The *triarii* were experienced troops, a body of which made a part of each legion. They were usually, as here, kept in reserve until a crisis called for their employment (*cf.* VIII. viii.).

even the cavalry was routed, which alone had made B.C. 437
the issue of the contest doubtful. The dictator pressed on after the flying legions, and pursuing them to their camp cut them to pieces. Large numbers of the Fidenates escaped, thanks to their knowledge of the ground, into the mountains. Cossus crossed the Tiber with his cavalry, and from the fields of the Veientes brought a vast quantity of booty back to town. During the battle there was also fighting at the Roman camp with a part of the forces of Tolumnius which he had dispatched against it, as has been said before. Fabius Vibulanus first manned the rampart with a cordon of defenders; and then, when the attention of the enemy was fixed on the wall, sallied out of the Porta Principalis, on the right,[1] with his reserves,[2] and fell suddenly upon them. In consequence of the panic thus occasioned, though the slaughter was less, because fewer were engaged, yet the rout was quite as complete as in the battle-line.

XX. Having been everywhere victorious, the dictator, as decreed by the senate and ratified by the people, returned to the City in triumphal procession. By far the greatest spectacle in the triumph was Cossus, bearing the spoils of honour of the slain king, while the soldiers sang rude verses about him, comparing him to Romulus. The spoils he fastened up as an offering, with solemn dedication, in the temple of Jupiter Feretrius, near the spoils of Romulus, which had been the first to be called *opima*, and were at that time the only ones. Cossus had drawn the gaze of the citizens away from the car of the dictator upon himself, and the honours of that crowded festival were virtually his alone. The

A.U.C. 317 4 tulerat. Dictator coronam auream, libram pondo,
ex publica pecunia populi iussu in Capitolio Iovi
donum posuit.
5 Omnes ante me auctores secutus, A. Cornelium
Cossum tribunum militum secunda spolia opima
6 Iovis Feretrii templo intulisse exposui; ceterum,
praeterquam quod ea rite opima spolia habentur
quae dux duci detraxit, nec ducem novimus nisi
cuius auspicio bellum geritur, titulus ipse spoliis
inscriptus illos meque arguit consulem ea Cossum
7 cepisse. Hoc ego cum Augustum Caesarem, tem-
plorum omnium conditorem aut restitutorem, in-
gressum aedem Feretri Iovis, quam vetustate di-
lapsam refecit, se ipsum in thorace linteo scriptum
legisse audissem, prope sacrilegium ratus sum Cosso[1]
spoliorum suorum Caesarem, ipsius templi auctorem,
8 subtrahere testem. Quis[2] ea in re sit error, quod
tam veteres annales quodque magistratuum libri, quos
linteos in aede repositos Monetae Macer Licinius
citat identidem auctores, septimo[3] post demum
anno cum T. Quinctio Poeno A. Cornelium Cossum
consulem habeant, existimatio communis omnibus
9 est. Nam etiam illud accedit, ne tam clara pugna
in eum annum transferri posset, quod imbelle trien-
nium ferme pestilentia inopiaque frugum circa A.
Cornelium consulem fuit, adeo ut quidam annales

[1] Cosso ς: Cossum Ω.
[2] quis *Gronovius*: qui si Ω.
[3] septimo Ω: nono ς *Sigonius*: decimo *Glareanus*: undecimo *Conway and Walters* (*in note*).

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[1] Nepos tells us (*Att.* xx. 3) that the restoration of this temple was undertaken at the suggestion of Atticus. It was therefore probably done not later than 32 B.C., the year in which Atticus died.

dictator, at the people's behest, presented to Jupiter B.C. 437 on the Capitol a golden chaplet of a pound in weight, from the public treasury.

Following all previous historians, I have stated that Aulus Cornelius Cossus was a military tribune when he brought the second spoils of honour to the temple of Jupiter Feretrius. But besides that only those are properly held to be "spoils of honour" which one commander has taken from another commander, and that we know no "commander" but him under whose auspices the war is waged, the very words inscribed upon the spoils disprove their account and mine, and show that it was as consul that Cossus captured them. Having heard from the lips of Augustus Caesar, the founder or renewer of all the temples, that he had entered the shrine of Jupiter Feretrius, which he repaired when it had crumbled with age, and had himself read the inscription on the linen breast-plate, I have thought it would be almost sacrilege to rob Cossus of such a witness to his spoils as Caesar, the restorer of that very temple.[1] Where the error in regard to this matter lies, in consequence of which such ancient annals and also the books of the magistrates, written on linen and deposited in the temple of Moneta, which Licinius Macer cites from time to time as his authority, only give Aulus Cornelius Cossus as consul (with Titus Quinctius Poenus) seven years later, is a matter on which everybody is entitled to his opinion. For there is this further reason why so famous a battle could not be transferred to the later year, that the consulship of Cossus fell within a period of about three years when there were no wars, owing to a pestilence and a dearth of crops, so that

A.U.C. 317 velut funesti nihil praeter nomina consulum sug-
10 gerant. Tertius ab consulatu Cossi annus tribunum eum militum consulari potestate habet, eodem anno magistrum equitum; quo in imperio alteram in-
11 signem edidit pugnam equestrem. Ea libera coniectura est, sed, ut ego arbitror, vana; aversari enim[1] omnes opiniones licet, cum auctor pugnae recentibus spoliis in sacra sede positis, Iovem prope ipsum, cui vota erant, Romulumque intuens, haud spernendos falsi tituli testes, se A. Cornelium Cossum consulem scripserit.

A.U.C. 318-319 XXI. M. Cornelio Maluginense L. Papirio Crasso consulibus exercitus in agrum Veientem ac Faliscum
2 ducti, praedae abactae hominum pecorumque; hostis in agris nusquam inventus neque pugnandi copia facta; urbes tamen non oppugnatae, quia pestilentia
3 populum invasit. Et seditiones domi quaesitae sunt nec motae tamen ab Sp. Maelio tribuno plebis, qui favore nominis moturum se aliquid ratus et Minucio diem dixerat et rogationem de publicandis bonis
4 Servili Ahalae tulerat, falsis criminibus a Minucio circumventum Maelium arguens, Servilio caedem civis indemnati obiciens. Quae vaniora ad popu-
5 lum ipso auctore fuere. Ceterum magis vis morbi ingravescens curae erat terroresque ac prodigia,

[1] vana; aversari enim *Wagner and Madvig*: uana (una *FB*) uersare in Ω.

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[1] It is possible that this paragraph was inserted by Livy, without altering the context, some time after the original publication of Books I–V. This would account for the appearance in the preceding paragraph of the version which Livy now rejects, and also for its reappearance in chap. xxxii. *Cf.* Niebuhr, *Röm. Gesch.* ii. 517.

certain annals, as though death-registers, offer nothing but the names of the consuls. The third year after Cossus's consulship saw him military tribune with consular powers, and in the same year he was master of the horse, in which office he fought another famous cavalry-engagement. Here is freedom for conjecture, but in my opinion it is idle; for one may brush aside all theories when the man who fought the battle, after placing the newly-won spoils in their sacred resting-place, testified in the presence of Jupiter himself, to whom he had vowed them, and of Romulus—witnesses not to be held lightly by a forger—that he was Aulus Cornelius Cossus, consul.[1] B.C. 437

XXI. When Marcus Cornelius Maluginensis and Lucius Papirius Crassus were consuls, armies invaded the country of the Veientes and the Faliscans and drove off booty consisting of men and flocks; they nowhere encountered their enemies in the fields nor met with any opportunity to give them battle; still, they besieged no cities, for a pestilence attacked the people. And seditions were attempted at home, but not brought about, by Spurius Maelius, tribune of the plebs, who, imagining that the popularity of his name would enable him to stir up trouble, had appointed a day for the prosecution of Minucius, and had also proposed a law for confiscating the goods of Servilius Ahala, maintaining that Maelius had been circumvented by Minucius with false accusations, and flinging it up to Servilius that he had killed a citizen who had not been condemned. These charges were even less regarded by the people than was their author. But the increasing virulence of the disease gave concern, and so did certain alarms and prodigies; B.C. 436–435

A.U.C. 318–319

maxime quod crebris motibus terrae ruere in agris nuntiabantur tecta. Obsecratio itaque a populo duumviris praeeuntibus est facta.

6 Pestilentior inde annus C. Iulio iterum et L. Verginio consulibus tantum metus et vastitatis[1] in urbe agrisque fecit, ut non modo praedandi causa quisquam ex agro Romano exiret bellive inferendi
7 memoria patribus aut plebi esset, sed ultro Fidenates, qui se primo aut montibus aut muris tenuerant, populabundi descenderent in agrum Romanum.
8 Deinde Veientium exercitu accito—nam Falisci perpelli ad instaurandum bellum neque clade Romanorum neque sociorum precibus potuere—duo populi transiere Anienem atque haud procul Collina porta signa habuere. Trepidatum itaque non in
9 agris magis quam in urbe est. Iulius consul in aggere murisque explicat copias, a Verginio senatus
10 in aede Quirini consulitur. Dictatorem dici Q. Servilium[2] placet, cui Prisco alii, alii Structo fuisse cognomen tradunt. Verginius dum collegam consuleret moratus, permittente eo nocte dictatorem dixit. Is sibi magistrum equitum Postumum[3] Aebutium Helvam[4] dicit.

XXII. Dictator omnes luce prima extra portam Collinam adesse iubet. Quibuscumque vires suppe-
2 tebant ad arma ferenda praesto fuere. Signa ex

[1] metus et vastitatis *Conway and Walters*: metum uastitatis (uastatis *H*) Ω.
[2] Q. Servilium *U*ς *Sigonius* (*cf. chap.* xxvi. § 7 : *chap.* xlvi. § 4 ; *C.I.L.* i^2, *p.* 17): a. seruilium (seruilius *M*) Ω.
[3] Postumum *Sigonius* (*cf. chap.* xi. § 1) : postumium Ω.
[4] Helvam A^2 ς: heluam heluium *M*: heluium Ω.

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[1] *i.e. duumviri sacrorum*, in charge of the Sibylline books,

B.C. 436–435

in particular that it was frequently announced that farm-buildings had been thrown down by earthquakes. A supplication was therefore offered up by the people under the direction of the duumviri.[1]

The pestilence was worse next year, when Gaius Julius (for the second time) and Lucius Verginius were the consuls, and caused such fears and ravages in the City and the country that not only did no one go out beyond the Roman marches to pillage, nor either patricians or plebs have any thought of waging war, but the men of Fidenae, who at first had kept to their mountains or their city walls, actually came down into Roman territory, bent on plunder. Then, when they had called in an army from Veii—for the Faliscans could not be driven into renewing the war either by the calamity of the Romans or the entreaties of their allies,—the two peoples crossed the Anio and set up their standards not far from the Colline Gate. The consternation in the City was therefore no less than in the fields; the consul Julius disposed his troops on the rampart and walls, and Verginius took counsel with the senate in the temple of Quirinus. It was resolved that Quintus Servilius, whose surname some give as Priscus, others as Structus, should be appointed dictator. Verginius delayed till he could consult his colleague; then, with his consent, he that night named the dictator, who appointed as his master of the horse Postumus Aebutius Helva.

XXII. The dictator commanded everybody to be outside the Colline Gate at break of day. All those who were able to bear arms were at hand. The

from which they derived the form of prayer used in this service.

A.U.C. 318–319

aerario prompta feruntur ad dictatorem. Quae cum agerentur, hostes in loca altiora concessere. Eo dictator agmine infesto subit, nec procul Nomento signis conlatis fudit Etruscas legiones; compulit
3 inde in urbem Fidenas valloque circumdedit; sed neque scalis capi poterat urbs alta et munita neque in obsidione vis ulla erat, quia frumentum non necessitati modo satis sed copiae quoque abunde ex
4 ante convecto sufficiebat. Ita expugnandi pariter cogendique ad deditionem spe amissa, dictator in locis propter propinquitatem notis ab aversa[1] parte urbis, maxime neglecta quia suapte natura tutissima
5 erat, agere in arcem cuniculum instituit. Ipse diversissimis locis subeundo ad moenia quadrifariam diviso exercitu qui alii aliis succederent ad pugnam, continenti die ac nocte proelio ab sensu operis hostes
6 avertebat, donec perfosso monte[2] erecta in arcem via est, intentisque Etruscis ad vanas a certo periculo minas clamor supra caput hostilis captam urbem ostendit.

7 Eo anno C. Furius Paculus[3] et M. Geganius Macerinus censores villam publicam in campo Martio probaverunt, ibique primum census populi est actus.

[1] aversa ς: aduersa Ω.
[2] monte *L*: a castris monte (a . . . . . . mo . . . *V*) Ω.
[3] Paculus *Conway*: Pacilus *Sigonius*: p̄. acilius *MPUOHD*[1] (*or D*) *LA*[3]: pacilius *D*? *A*?: *wanting in V.*

B.C. 436–435

standards were taken out of the treasury and brought to the dictator. While this was going on, the enemy withdrew to a more elevated position. Thither the dictator marched under arms, and not far from Nomentum joined battle with the Etruscan forces and put them to rout. From there he drove them into the city of Fidenae, which he surrounded with a rampart; but could not capture it with scaling-ladders, since it was a lofty, well-fortified town, nor accomplish anything by blockade, for they not only had corn enough for their necessities, but in fact were lavishly supplied with it from stores which they had collected in advance. In despair therefore alike of storming the place and of forcing it to surrender, the dictator, operating in a region which was familiar from its nearness to Rome, began, on the farthest side of the city, which was least guarded because its peculiar character made it the safest of all, to drive a mine into the citadel. He himself, advancing against the city from widely separated points—with his army in four divisions, that they might relieve one another in the attack—by fighting continuously day and night distracted the enemy's attention from the work, until a tunnel had been dug through the hill and a passage-way constructed up into the citadel; when the Etruscans, intent on groundless alarms and unmindful of their real danger, were apprised by the shouts of the enemy above their heads that their city had been taken.

In that year Gaius Furius Paculus and Marcus Geganius Macerinus the censors approved a public building erected in the Campus Martius, and the census of the people was taken there for the first time.

A.U.C. 320 XXIII. Eosdem consules insequenti anno refectos,
Iulium tertium, Verginium iterum, apud Macrum
2 Licinium invenio: Valerius Antias atque Q. Tubero
M. Manlium et Q. Sulpicium consules in eum annum
edunt. Ceterum in tam discrepanti editione et Tubero
et Macer libros linteos auctores profitentur;
neuter tribunos militum eo anno fuisse traditum a
3 scriptoribus antiquis dissimulat. Licinio libros haud
dubie sequi linteos placet:[1] Tubero incertus veri
est. Sit inter[2] cetera vetustate cooperta[3] hoc quoque
in incerto positum.

4 Trepidatum in Etruria est post Fidenas captas non
Veientibus solum exterritis metu similis excidii, sed
etiam Faliscis memoria initi primo cum iis belli,
5 quamquam rebellantibus non adfuerant. Igitur cum
duae civitates legatis circa duodecim populos missis
impetrassent ut ad Voltumnae fanum indiceretur
omni Etruriae concilium, velut magno inde tumultu
imminente senatus Mam. Aemilium dictatorem iterum
6 dici iussit. Ab eo A. Postumius Tubertus magister
equitum est dictus; bellumque tanto maiore quam
proximo conatu apparatum est quanto plus erat ab
omni Etruria periculi quam ab duobus populis fuerat.

[1] placet *Muretus*: placet et Ω: placuit *V*.
[2] Sit inter *Muretus*: . . t inter *V*: set inter *A*: sed inter Ω.
[3] cooperta *Mommsen*: conperta *VM*: incomperta (inconperta *M*[1]) Ω.

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[1] It is typical of Livy's indifference to documents that he should not have taken the trouble to consult the Linen Rolls himself. As to the fact, Diodorus Siculus, xii. 53, gives Marcus Manlius, Quintus Sulpicius, and Servius Cornelius Cossus as military tribunes for the year 320 B.C., and the statement of Antias and Tubero may have arisen from the loss of the third name, and the consequent assumption that consuls were in office.

XXIII. That the same consuls were re-elected B.C. 434
the following year (Julius for a third and Verginius for a second term) I find stated by Licinius Macer: Valerius Antias and Quintus Tubero give Marcus Manlius and Quintus Sulpicius as the consuls for that year. For the rest, in spite of the great discrepancy in their statements, both Tubero and Macer cite the authority of the Linen Rolls; neither writer dissembles the fact that the elder historians had recorded that there were military tribunes for that year. Licinius sees fit to follow without hesitation the Linen Rolls: Tubero is uncertain where the truth lies. With all the other matters which are shrouded in antiquity this question too may be left undecided.[1]

There was great alarm in Etruria in consequence of the capture of Fidenae. Not only were the people of Veii terrified by the fear of a similar disaster, but the Faliscans too remembered that they had commenced the war in alliance with the Fidenates, although they had not supported them in their revolt. Accordingly when the two states, sending envoys round amongst the twelve cities, had obtained their consent to have a council proclaimed for all Etruria at the shrine of Voltumna, the senate, feeling that they were threatened with a great outbreak in that quarter, ordered that Mamercus Aemilius be again named dictator. By him Aulus Postumius Tubertus was appointed master of the horse, and preparations for war were set about as much more energetically than on the last occasion, as the danger from all Etruria was greater than it had been from two cities.

A.U.C. 320

XXIV. Ea res aliquanto exspectatione omnium
2 tranquillior fuit. Itaque cum renuntiatum a mercatoribus esset negata Veientibus auxilia, iussosque suo consilio bellum initum suis viribus exsequi nec adversarum rerum quaerere socios, cum quibus spem
3 integram communicati non sint,[1] tum dictator, ne nequiquam creatus esset, materia quaerendae bello gloriae adempta, in pace aliquid operis edere quod monumentum esset dictaturae cupiens, censuram minuere parat seu nimiam potestatem ratus seu non tam magnitudine honoris quam diuturnitate offensus.
4 Contione itaque advocata rem publicam foris gerendam ait tutaque omnia praestanda deos immortales suscepisse: se, quod intra muros agendum esset, libertati populi Romani consulturum; maximam autem eius custodiam esse si magna imperia diuturna non essent et temporis modus imponeretur quibus
5 iuris imponi non posset; alios magistratus annuos esse, quinquennalem censuram; grave[2] esse iisdem per tot annos magna parte vitae obnoxios vivere; se legem laturum, ne plus quam annua ac semestris
6 censura esset. Consensu ingenti populi legem postero die pertulit et "Ut re ipsa" inquit "sciatis, Quirites, quam mihi diuturna non placeant imperia,

[1] communicati non sint Ω: communicanti non sint *DLH*: communicari non sirint *Jac. Gronov*: communicare noluerint *H. J. Mueller*.
[2] grave *D*? ς: grauem Ω: *wanting in V*.

[1] This implies that the meetings of the league were made occasions for fairs. Cp. the fair at the shrine of Feronia, I. xxx. 5.

XXIV. This affair ended a good deal more quietly than anybody had anticipated. It was reported by merchants[1] that the Veientes had been refused assistance and had been told that having embarked on the war at their own discretion they must prosecute it with their own forces nor seek the alliance of those in their adversity with whom they had not shared the prospect of success. Whereupon the dictator, that his appointment might not have been for nothing, was desirous, being deprived of the means of winning military renown, of accomplishing some peaceful achievement to signalize his dictatorship. He therefore laid his plans to weaken the censorship, either thinking its powers excessive, or troubled less by the greatness of the office than by its long duration. So, calling an assembly, he said that the immortal gods had undertaken to manage the foreign relations of the state and to make everything safe: he himself would do what needed to be done within the City, and would defend the liberty of the Roman People. Now the greatest safeguard was that great powers should not be long-continued, but that a limit of time should be imposed on them, since no limit of jurisdiction could be. Other magistracies were tenable for one year, the censorship for five. It was a serious matter for the same man to have authority over people for so many years, in a great part of their affairs. He announced that he should propose a law that the censorship might not last longer than a year and a half. With vast enthusiasm on the part of the people the law was next day enacted, and Mamercus exclaimed, "That you may have positive proof, Quirites, how little I approve prolonged authority, I lay down my B.C. 434

A.U.C. 320 7 dictatura me abdico." Deposito suo magistratu, imposito fine alteri, cum gratulatione ac favore ingenti populi domum est reductus. Censores aegre passi Mamercum quod magistratum populi Romani minuisset tribu moverunt octiplicatoque censu aerarium fecerunt.
8 Quam rem ipsum ingenti animo tulisse ferunt causam potius ignominiae intuentem quam ignominiam; primores patrum, quamquam deminutum censurae ius noluissent, exemplo acerbitatis censoriae offensos, quippe cum se quisque diutius ac saepius subiectum censoribus fore cerneret quam censuram gesturum:
9 populi certe tanta indignatio coorta dicitur ut vis a censoribus nullius auctoritate praeterquam ipsius Mamerci deterreri quiverit.

A.U.C. 321-322 XXV. Tribuni plebi adsiduis contentionibus prohibendo consularia comitia cum res prope ad interregnum perducta esset, evicere tandem ut tribuni militum consulari potestate crearentur.
2 Victoriae praemium quod petebatur, ut plebeius crearetur, nullum[1] fuit; omnes patricii creati sunt, M. Fabius Vibulanus M. Folius L. Sergius Fidenas.
3 Pestilentia eo anno aliarum rerum otium praebuit. Aedis Apollini pro valetudine populi vota est. Multa duumviri ex libris placandae deum irae averten-

[1] nullum A^2 *or* A^3 ς: nullus Ω.

[1] The *aerarii* were the lowest class of citizens. They could neither vote nor hold office; were not eligible for service in the legion; and shared in the burdens of the state only by the payment of taxes—*aes*—assessed by the censors, instead of being determined by the citizen's sworn declaration, as was the case with members of the five classes.

[2] *Viz.* the Sibylline Books.

dictatorship." Thus, having resigned his own magistracy and assigned a limit for the other, he was escorted to his home by the people, with striking manifestations of rejoicing and good-will. B.C. 434 The censors, in their indignation that Mamercus had abridged a magistracy of the Roman People, removed him from his tribe, and assessing him at eight times his former tax, disfranchised him.[1] This they say Mamercus bore with great fortitude, having regard rather to the cause of his humiliation than to the humiliation itself. The leading patricians, though they had opposed the curtailment of the jurisdiction of the censorship, were offended by this example of censorial ruthlessness, since each of them perceived that he should be subjected to the censor for a longer period and more frequently than he should hold the censor's office. The people at any rate are said to have been so enraged that no man's influence but that of Mamercus himself could have shielded the censors from their violence.

XXV. The tribunes of the plebs by persistent B.C. 433-432 opposition prevented the consular elections from taking place. At last, when matters had been brought almost to an interregnum, they succeeded in their contention that military tribunes with consular powers should be chosen. Though they hoped their victory would be rewarded by the choice of a plebeian, they were disappointed: all those who were elected were patricians, Marcus Fabius Vibulanus, Marcus Folius, Lucius Sergius Fidenas. An epidemic that year afforded a respite from other troubles. A temple was vowed to Apollo in behalf of the people's health. The duumviri did many things by direction of the Books[2] for the

A.U.C. 321–322
4 daeque a populo pestis causa fecere; magna tamen
clades in urbe agrisque promiscua[1] hominum peco-
rumque pernicie accepta. Famem quoque ex pesti-
lentia morbo implicitis[2] cultoribus agrorum timentes
in Etruriam Pomptinumque agrum et Cumas, pos-
tremo in Siciliam quoque frumenti causa misere.
5 Consularium comitiorum nulla mentio habita est;
tribuni militum consulari potestate omnes patricii
creati sunt, L. Pinarius Mamercus L. Furius Me-
dullinus Sp. Postumius Albus.
6 Eo anno vis morbi levata neque a penuria fru-
menti, quia ante provisum erat, periculum fuit.
7 Consilia ad movenda bella in Volscorum Aequo-
rumque conciliis et in Etruria ad fanum Voltumnae
8 agitata. Ibi prolatae in annum res, decretoque
cautum ne quod ante concilium fieret, nequiquam
Veiente populo querente eandem qua Fidenae deletae
sint imminere Veiis fortunam.
9 Interim Romae principes plebis, iam diu nequi-
quam imminentes spei maioris honoris dum foris
otium esset, coetus indicere in domos tribunorum
10 plebis; ibi secreta consilia agitare; queri se a plebe
adeo spretos, ut cum per tot annos tribuni militum
consulari potestate creentur, nulli unquam plebeio
11 ad eum honorem aditus fuerit. Multum providisse

[1] promiscua *Gronovius*: promiscuae *VPOHR*: promiscue Ω.
[2] quoque ex pestilentia morbo implicitis *V* (inp.): *wanting in* Ω.

B.C. 433–432

purpose of appeasing the angry gods and averting the plague from the people. Nevertheless the losses were severe, both in the City and the country, and men and cattle were stricken without distinction. They even feared that famine would succeed the epidemic, since the farmers were down with the disease. They therefore sent to Etruria and the Pomptine district, and to Cumae, and finally to Sicily itself, for corn. Nothing was said about consular elections; military tribunes with consular authority were chosen as follows: Lucius Pinarius Mamercus, Lucius Furius Medullinus, Spurius Postumius Albus—all patricians.

This year the violence of the disease was mitigated, and there was no risk of a dearth of corn, since precautions had been taken in advance. Schemes for instigating war were discussed in the councils of the Volsci and Aequi, and in Etruria at the shrine of Voltumna. There the enterprise was put over for a year, and it was decreed that no council should convene before that date, though the Veientes complained—without effect—that Veii was threatened with the same destruction as had overtaken Fidenae.

Meanwhile in Rome the leaders of the plebs, who had now for a long time, while there was peace with other nations, been thwarted in their hopes of attaining to greater honours, began to appoint meetings at the houses of the plebeian tribunes. There they considered their plans in secret; they complained that they were held in such contempt by the plebs that although military tribunes with consular powers had been elected for so many years, no plebeian had ever been admitted to that office. Their ancestors had shown great foresight in pro-

A.U.C. 321–322 suos maiores, qui caverint ne cui patricio plebeii magistratus paterent; aut patricios habendos fuisse tribunos plebi; adeo se suis etiam sordere nec a
12 plebe minus quam a patribus contemni. Alii purgare plebem, culpam in patres vertere: eorum ambitione artibusque fieri ut obsaeptum plebi sit ad honorem iter; si plebi respirare ab eorum mixtis precibus minisque liceat, memorem eam suorum inituram suffragia esse et parto auxilio imperium quo-
13 que adsciturum. Placet tollendae ambitionis causa tribunos legem promulgare ne cui album in vestimentum addere petitionis causa liceret. Parva nunc res et vix serio agenda videri possit, quae tunc
14 ingenti certamine patres ac plebem accendit. Vicere tamen tribuni ut legem perferrent; apparebatque inritatis animis plebem ad suos studia inclinaturam. Quae ne libera essent, senatus consultum factum est ut consularia comitia haberentur.

A.U.C. 323 XXVI. Tumultus causa fuit, quem ab Aequis et
2 Volscis Latini atque Hernici nuntiarant. T. Quinctius L. f. Cincinnatus—eidem et Poeno cognomen
3 additur—et Cn.[1] Iulius Mento consules facti. Nec ultra terror belli est dilatus. Lege sacrata, quae

[1] et Cn. ς: et gneus Ω: g. nus *M*: et gneneus *O*: et genucius cn *V* (*which omits* Mento): et C. *Sigonius* (*from Diod. Sic.* XII. xxxviii. 1).

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[1] *Auxilium* alludes to the plebeian tribunate, *imperium* to the military tribunate with consular powers.

[2] *sc.* the plebeian tribunes.

[3] The office-seeker pipe-clayed his toga; hence *candidatus*, "candidate."

[4] Whoever offended against such a law was forfeited (*sacer*) to the gods.

viding that no patrician should be eligible for the plebeian magistracies; otherwise they would have been obliged to have patricians as tribunes of the plebs, so contemptible did they appear, even to their own class, being no less despised by the commons than by the nobles. Others exonerated the plebs and threw the blame upon the patricians: it was owing to their artful canvassing that the plebeians found the road to office blocked; if the plebs might have a breathing-spell from the mingled prayers and menaces of the nobles, they would think of their friends when they went to vote, and to the protection they had already won would add authority.[1] It was resolved in order to do away with canvassing, that the tribunes[2] should propose a law forbidding anyone to whiten his toga, for the purpose of announcing himself a candidate.[3] This may now appear a trivial thing and one scarcely to be considered seriously, but at that time it kindled a furious struggle between the patricians and the plebs. Yet the tribunes prevailed and carried their law; and it was clear that the plebeians in their irritated mood would support the men of their own order. That they might not be at liberty to do so, the senate decreed that consuls should be elected. B.C. 433–432

XXVI. The reason alleged was a sudden outbreak of hostilities on the part of the Aequi and Volsci, which the Latins and the Hernici had reported. Titus Quinctius Cincinnatus, son of Lucius—the same who is given the added surname Poenus,—and Gnaeus Julius Mento were made consuls. Nor was the fear of war deferred. After a levy, held under a *lex sacrata*[4] which was their most effective B.C. 431

A.U.C. 323 maxima apud eos vis cogendae militiae erat, dilectu
habito utrimque validi exercitus profecti in Algidum
4 convenere, ibique seorsum Aequi, seorsum Volsci
castra communivere, intentiorque quam unquam
ante muniendi exercendique militem cura ducibus
5 erat. Eo plus nuntii terroris Romam attulere.
Senatui dictatorem dici placuit, quia etsi saepe victi
populi maiore tamen conatu quam alias unquam
rebellarant, et aliquantum Romanae iuventutis morbo
6 absumptum erat. Ante omnia pravitas consulum
discordiaque inter ipsos et certamina in consiliis
omnibus terrebant. Sunt qui male pugnatum ab
his consulibus in Algido auctores sint eamque causam
7 dictatoris creandi fuisse. Illud satis constat ad alia
discordes in uno adversus patrum voluntatem con-
sensisse ne dicerent dictatorem, donec cum alia aliis
terribiliora adferrentur nec in auctoritate senatus
consules essent, Q. Servilius Priscus, summis hono-
8 ribus egregie usus, "Vos" inquit, "tribuni plebis,
quoniam ad extrema ventum est, senatus appellat
ut in tanto discrimine rei publicae dictatorem dicere
9 consules pro potestate vestra cogatis." Qua voce
audita occasionem oblatam rati tribuni augendae
potestatis secedunt proque collegio pronuntiant pla-
cere consules senatui dicto audientes esse; si adversus

means of collecting soldiers, strong armies marched B.C. 431
out from both nations and met on Algidus, where the Aequi encamped in one place and the Volsci in another, and their generals took more pains than ever before to intrench, and to drill their men. For this reason the report occasioned the more dismay in Rome. The senate resolved that a dictator should be appointed, since, though often beaten, those nations had renewed the war with greater efforts than at any previous time, and a considerable proportion of the young Romans had been carried off by the plague. Above all, men were frightened by the wrong-headedness of the consuls, their want of harmony between themselves, and their opposition to each other in all their plans. Some writers say that these consuls were defeated on Algidus, and that this was the reason of the dictator's being named. Thus much is clear: though they might differ in other matters, they were agreed on one thing, to oppose the wishes of the Fathers for the appointment of a dictator; until, as the reports grew more and more alarming, and the consuls refused to be guided by the senate, Quintus Servilius Priscus, a man who had filled with distinction the highest offices, cried out, "To you, tribunes of the plebs, since matters have come to an extremity, the senate appeals, that in this great national crisis you may compel the consuls, by virtue of your authority, to name a dictator." Hearing this the tribunes felt that an opportunity had come for increasing their power; they conferred apart, and then announced, in behalf of the college, that they were resolved that the consuls should obey the senate; if they persisted further

A.U.C. 323
consensum amplissimi ordinis ultra tendant, in vincla
10 se duci eos iussuros. Consules ab tribunis quam ab
senatu vinci maluerunt, proditum a patribus summi
imperii ius datumque sub iugum tribuniciae potestati
consulatum memorantes, si quidem cogi aliquid pro
potestate ab tribuno consules et—quo quid ulterius
privato timendum foret?—in vincla etiam duci
11 possent. Sors, ut dictatorem diceret—nam ne id
quidem inter collegas convenerat — T. Quinctio
evenit. Is A. Postumium Tubertum, socerum suum,
severissimi imperii virum, dictatorem dixit; ab eo
12 L. Iulius magister equitum est dictus. Dilectus
simul edicitur et iustitium, neque aliud tota urbe
agi quam bellum apparari. Cognitio vacantium
militiae munere post bellum differtur; ita dubii
quoque inclinant ad nomina danda. Et Hernicis
Latinisque milites imperati; utrimque enixe oboeditum dictatori est.

XXVII. Haec omnia celeritate ingenti acta; relictoque Cn. Iulio consule ad praesidium urbis et L. Iulio magistro equitum ad subita belli ministeria, ne qua res qua eguissent in castris moraretur, dic-

[1] For fear that—their claims being then disallowed—they would be treated as deserters.

to oppose the unanimous opinion of that most honourable order, they should command them to be put in prison. The consuls preferred to be defeated by the tribunes rather than by the senate. They declared that the senators had betrayed the rights of the highest office in the state and had ignominiously surrendered the consulship to the tribunician power, since apparently it was possible for the consuls to be subjected to the official compulsion of a tribune, and even—what could a private citizen fear more than that?—be carried off to gaol. It was determined by lot—for the colleagues had not been able to agree even about this—that Titus Quinctius should name the dictator. He appointed Aulus Postumius Tubertus, his father-in-law, a man of the sternest authority; and by him Lucius Julius was chosen master of the horse. At the same time a levy was proclaimed and a cessation of legal business, and it was ordered that nothing else should be done in all the City but prepare for war. The examination of those who claimed exemption from military service was put over till after the war, and so even those whose cases were uncertain were disposed to give in their names.[1] Men were required also of the Hernici and the Latins, and in both instances the dictator was zealously obeyed. B.C. 431

XXVII. These measures were all carried out with great dispatch. Gnaeus Julius the consul was left behind to protect the city; and Lucius Julius, the master of the horse, to meet the sudden demands which arise in war, that the troops might not be hampered in camp by the want of anything that they might need. The dictator, repeating the words

A.U.C. 323 tator praeeunte A. Cornelio pontifice maximo ludos
2 magnos tumultus causa vovit, profectusque ab urbe
diviso cum Quinctio consule exercitu ad hostes per-
3 venit. Sicut bina castra hostium parvo inter se
spatio distantia viderant,[1] ipsi quoque mille ferme
passus ab hoste dictator Tusculo, consul Lanuvio
4 propiorem locum castris ceperunt. Ita quattuor ex-
ercitus totidem munimenta planitiem in medio non
parvis modo excursionibus ad proelia, sed vel ad
explicandas utrimque acies satis patentem habebant.
5 Nec ex quo castris castra conlata sunt cessatum a
levibus proeliis est, facile patiente dictatore confer-
endo vires spem universae victoriae temptato pau-
6 latim eventu certaminum suos praecipere. Itaque
hostes nulla in proelio iusto relicta spe, noctu adorti
castra consulis rem in casum ancipitis eventus com-
mittunt. Clamor subito ortus non consulis modo
vigiles, exercitum deinde omnem, sed dictatorem
7 quoque ex somno excivit. Ubi praesenti ope res
egebant, consul nec animo defecit nec consilio: pars
militum portarum stationes firmant,[2] pars corona
8 vallum cingunt. In alteris apud dictatorem castris
quo minus tumultus est, eo plus animadvertitur quid
opus facto sit. Missum extemplo ad castra subsidium,
cui Sp. Postumius Albus legatus praeficitur: ipse

[1] viderant Ω: uideret *V*: uiderunt ς: videre, ita *Madvig*.
[2] firmant ς: firmat Ω.

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[1] Not to be confounded with the annual *Ludi Magni* established by A. Postumius after his victory at Lake Regillus, 499 B.C. The present reference is to votive games to be given, in the event of victory, as payment in full for the assistance of the gods.

after Aulus Cornelius the pontifex maximus, vowed B.C. 431 to celebrate great games[1] if he succeeded in quelling the outbreak, and, dividing his army with the consul Quinctius, set out from Rome and came to the enemy. Seeing that the opposing forces occupied two camps with a little space between, the Roman generals followed their example and encamped about a mile from the enemy, the dictator nearer to Tusculum and the consul to Lanuvium. Thus the four armies in their four intrenchments had in their midst a field of sufficient extent not merely for small preliminary skirmishes but even for drawing up lines of battle on both sides. Nor from the moment the Romans had pitched their camp near that of the enemy did they once cease skirmishing; and the dictator was well content that his men should match their strength against their adversaries, and by trying the outcome of these contests come, little by little, to count upon a general victory. The enemy in consequence abandoned all hope of success in a regular battle and attacked the consul's camp at night, committing their cause to the hazard of a dangerous enterprise. The shout which suddenly broke out aroused not only the consul's sentries and after them his entire army, but the dictator as well. When circumstances required instant action, the consul proved to be wanting neither in resolution nor in judgment. With a part of his soldiers he reinforced the guards at the gates; with a part he lined the palisade. In the other camp, with the dictator, there was less confusion and a correspondingly clearer perception what was needful to be done. Reinforcements were immediately sent to the consul's camp, under Spurius Postumius Albus

A.U.C. 323 parte copiarum parvo circuitu locum maxime secretum ab tumultu petit unde ex necopinato aversum[1]
9 hostem invadat. Q. Sulpicium legatum praeficit castris; M. Fabio legato adsignat equites, nec ante lucem movere iubet manum inter nocturnos tumultus moderatu difficilem. Omnia, quae vel alius imperator prudens et impiger in tali re praeciperet
10 ageretque, praecipit ordine atque agit; illud eximium consilii animique specimen et neutiquam volgatae laudis, quod ultro ad oppugnanda castra hostium, unde maiore agmine profectos[2] exploratum fuerat,
11 M. Geganium cum cohortibus delectis misit. Qui postquam intentos homines in eventum periculi alieni pro se incautos neglectis vigiliis stationibusque est adortus, prius paene cepit castra quam oppugnari
12 hostes satis scirent. Inde fumo, ut convenerat, datum signum ubi conspectum ab dictatore est, exclamat capta hostium castra nuntiarique passim iubet.

XXVIII. Et iam lucescebat omniaque sub oculis erant. Et Fabius cum equitatu impetum dederat et consul eruptionem e castris in trepidos iam hostes fece-
2 rat; dictator autem parte altera subsidia et secundam

[1] aversum A² ς: aduersum (-s *M*) Ω.
[2] profectos ς: profectus Ω.

the lieutenant: the dictator himself, taking a part of his forces, marched by a slight detour to a place absolutely screened from the fighting, that he might thence strike the enemy unawares as he faced the other way. The lieutenant Quintus Sulpicius he put in charge of the camp; to the lieutenant Marcus Fabius he assigned the cavalry, but ordered him not to move his command till daybreak, as it would be hard to control in the confusion of the night. Everything that any wise and active general could have commanded and carried out in such a situation was duly commanded and carried out by him; but an unusual proof of judgment and daring and one which reflects no ordinary credit upon him was this, that he actually attacked the enemy's camp (from which, as he ascertained, they had marched out with more than half their troops), dispatching Marcus Geganius with some chosen cohorts on that service. This officer found his foes absorbed in the issue of the dangerous work undertaken by their fellows, and with no thought for themselves, neglecting their sentinels and outguards; he attacked them, captured their camp almost before they fully realized that they were assailed, and sent up a prearranged signal of smoke, on seeing which the dictator cried out that the enemy's camp was taken and bade spread the news. B.C. 431

XXVIII. By this time the day was breaking and everything could be seen. Fabius had delivered a charge with his cavalry; the consul had made a sally from the camp against the enemy, who were already wavering; while the dictator, on the other side of the field, attacking the supports and the second line, had fallen upon the foe from every side, as they

A.U.C. 323 aciem adortus circumagenti se[1] ad dissonos clamores ac subitos tumultus hosti undique obiecerat victorem
3 peditem equitemque. Circumventi igitur iam in medio ad unum omnes poenas rebellionis dedissent, ni Vettius Messius ex Volscis, nobilior vir factis quam genere, iam orbem volventes suos increpans
4 clara voce "Hic praebituri" inquit, "vos telis hostium estis indefensi, inulti? Quid igitur arma habetis aut quid ultro bellum intulistis, in otio tumultuosi, in bello segnes? Quid hic stantibus spei est? An deum aliquem protecturum vos rapturumque hinc putatis?
5 Ferro via facienda est. Hac, qua me praegressum videritis, agite, qui visuri domos parentes coniuges liberos estis, ite mecum! Non murus nec vallum sed armati armatis obstant. Virtute pares, necessitate, quae ultimum ac maximum telum est, superiores
6 estis." Haec locutum exsequentemque dicta redintegrato clamore secuti dant impressionem qua Postumius Albus cohortes obiecerat; et moverunt victorem, donec dictator pedem iam referentibus
7 suis advenit, eoque omne proelium versum est. Uni viro Messio fortuna hostium innititur. Multa utrimque volnera, multa passim caedes est. Iam ne duces
8 quidem Romani incruenti pugnant. Unus Postumius ictus saxo perfracto capite acie excessit, non dicta-

[1] circumagenti se ς: circumagenti A^2 (*or* A^3): circumagentes Ω: agentes *M*.

wheeled about to meet the wild shouts and sudden B.C. 431
onsets, with his victorious foot and horse. Accordingly, being now hemmed in on every side, the enemy would have suffered to a man the penalty of their rebellion, had not Vettius Messius, a Volscian more distinguished by his deeds than by his birth, called out in a clear voice to his men, who were already crowding together in a circle, "Are you going to offer yourselves up here to the weapons of the enemy, defenceless and unavenged? To what end then are you armed, or why without provocation did you make war, turbulent in peace and sluggards in the field? What hope is there while you stand here? Do you think that some god will protect you and deliver you from this plight? It is your swords must make a way for you! Come, where you see me go before, there you must follow, if you would look on homes, parents, wives and children! It is not a wall or rampart that blocks your path, but armed men like yourselves. In courage you are their equals; in necessity, which is the last and chiefest weapon, you are the better men." So he spoke, and acted on the word. Renewing their shouts they followed after, and hurled themselves against the Romans where the cohorts of Postumius Albus had confronted them. And they forced the victors to give ground, until the dictator came up, as his men were already falling back, and the fighting all centred on that spot. On one single warrior, Messius, hung the fortunes of the enemy. Many were the wounds on either side, and great was the slaughter everywhere. Now even the Roman leaders were bleeding as they fought. Only Postumius left the battle, struck by a stone that broke his head.

A.U.C. 323

torem umerus volneratus, non Fabium prope adfixum equo femur, non bracchium abscisum consulem ex tam ancipiti proelio submovit.

XXIX. Messium impetus per stratos caede hostes cum globo fortissimorum iuvenum extulit ad castra Volscorum, quae nondum capta erant. Eodem omnis
2 acies inclinatur. Consul effusos usque ad vallum persecutus ipsa castra vallumque adgreditur; eodem
3 et dictator alia parte copias admovet. Non segnior oppugnatio est quam pugna fuerat. Consulem signum quoque intra vallum iniecisse ferunt, quo milites acrius subirent, repetendoque signo primam impressionem factam. Et dictator proruto vallo iam in
4 castra proelium intulerat. Tum abici passim arma ac dedi hostes coepti, castrisque et his captis hostes praeter senatores omnes venum dati sunt. Praedae pars sua cognoscentibus Latinis atque Hernicis reddita, partem sub hasta dictator vendidit; praepositoque consule castris ipse triumphans invectus
5 urbem dictatura se abdicavit. Egregiae dictaturae tristem memoriam faciunt, qui filium ab A. Postumio, quod occasione bene pugnandi captus iniussu decesserit[1] praesidio, victorem securi percussum tra-
6 dunt. Nec libet credere, et licet in variis opinioni-

[1] decesserit *Gronovius*: discesserit (-ceserit *A*) Ω.

A wounded shoulder could not drive the dictator from so critical a fight; nor would Fabius retire for a thigh almost pinned to his horse; nor the consul for an arm that was hewn away. B.C. 431

XXIX. Messius pressed on with a band of courageous youths over the slain bodies of his enemies, and reached the Volscian camp, which had not yet been taken; and on that point the entire battle converged. The consul, after pursuing his opponents clear up to the rampart, assailed the camp itself and the palisade; and thither from another part of the field the dictator brought up his troops. The assault was no less vigorous than the battle had been. They say that the consul even cast his standard into the stockade, to make his men the more eager in the charge, and that in seeking to recover it they made the first breach. The dictator too had breached the rampart and had already carried the fighting into the camp. Then the enemy began on every hand to throw down their arms and surrender. Finally the camp itself was captured, and the enemy were all sold into slavery, except the senators. A portion of the booty was restored to the Latins and the Hernici, on their identifying it as their own; a part was sold at auction by the dictator; who then left the consul in command of the camp and returning himself in triumph to the City laid down his office. The memory of the noble dictatorship assumes a sombre hue in a tradition that Aulus Postumius' son, who, tempted by an opportunity of fighting to advantage, had left his post unbidden, was in the hour of his victory beheaded by his father's orders. One is loath to believe this story, and the diversity of opinion allows one to reject it. It is an indication

A.U.C. 323 bus; et argumento est, quod imperia Manliana,[1] non Postumiana appellata sunt,[2] cum[3] qui prior auctor tam saevi exempli foret, occupaturus insignem titulum crudelitatis fuerit. Imperioso quoque Manlio cognomen inditum; Postumius nulla tristi nota est insignitus.

7 Cn. Iulius[4] consul aedem Apollinis absente collega sine sorte dedicavit. Aegre id passus Quinctius cum dimisso exercitu in urbem redisset, nequiquam in senatu est conquestus.

8 Insigni magnis rebus anno additur nihil tum ad rem Romanam pertinere visum, quod Carthaginienses, tanti hostes futuri, tum primum per seditiones Siculorum ad partis alterius auxilium in Siciliam exercitum traiecere.

A.U.C. 324–327 XXX. Agitatum in urbe ab tribunis plebis ut tribuni militum consulari potestate crearentur nec obtineri potuit. Consules fiunt L. Papirius Crassus L. Iulius. Aequorum legati foedus ab senatu cum petissent et pro foedere deditio ostentaretur, indutias
2 annorum octo impetraverunt: Volscorum res super acceptam in Algido cladem pertinaci certamine inter pacis bellique auctores in iurgia et seditiones versa:
3 undique otium fuit Romanis. Legem de multarum

[1] Manliana *Vorm.*: Malliana Ω. [2] sunt ς: sint Ω.
[3] cum *Rhenanus*: quem Ω.
[4] Cn. Iulius Ω: cn. c. iulius *DLA*: C. Iulius *Sigonius* (*cf. chap.* xxvi. § 2 *and note*).

[1] Alluding to the story told at VIII. vii. 1.
[2] A mistake. The Carthaginians had obtained a foothold in Sicily long before this time, and (according to Herodotus, vii. 166), were defeated in a great naval battle by the Sicilians on the same day that Salamis was fought (480 B.C.).
[3] The same who had been consul in 435? Livy usually notes the second election to a consulship with the word *iterum*. Diodorus, xii. 72, gives our consul's name as Gaius.

of its falsity that we speak of Manlian,[1] not Postumian discipline, whereas he who had first established so rigorous a precedent would himself have received that notorious stigma of cruelty. Besides, Manlius was given the surname *Imperiosus*—"the Despotic"—while Postumius received no such grim distinction. B.C. 431

Gnaeus Julius the consul dedicated the temple of Apollo in the absence of his colleague, without drawing lots. Quinctius resented this, when he had dismissed his army and returned to the City; but his complaint of it in the senate was without effect.

To the history of a year famous for its great events, is appended a statement—as though the incident was then regarded as of no importance to the Roman state—that the Carthaginians, destined to be such mighty enemies, then for the first time sent over an army into Sicily to assist one of the factions in the domestic quarrels of the Sicilians.[2]

XXX. An effort was made in the City by the tribunes of the plebs to procure the election of military tribunes with consular powers, but it was unsuccessful. Lucius Papirius Crassus[3] and Lucius Julius were chosen consuls. The Aequi, through their envoys, sought a treaty from the senate. Instead of granting a treaty, the senate suggested that they surrender; but they asked and obtained a truce for eight years. The Volscian commonwealth, in addition to the disaster it had suffered on Algidus, had become involved in quarrels and seditions, in consequence of an obstinate struggle between the advocates of peace and those of war. The Romans everywhere enjoyed peace. A law concerning the B.C. 430–427

A.U.C. 324-327

aestimatione pergratam populo cum ab tribunis
parari consules unius ex collegio proditione excepis-
sent, ipsi praeoccupaverunt ferre.
4 Consules L. Sergius Fidenas iterum Hostius[1]
Lucretius Tricipitinus. Nihil dignum dictu actum
his consulibus. Secuti eos consules A. Cornelius
5 Cossus T. Quinctius Poenus iterum. Veientes in
agrum Romanum excursiones fecerunt. Fama fuit
quosdam ex Fidenatium iuventute participes eius
populationis fuisse, cognitioque eius rei L. Sergio et
6 Q. Servilio et Mam. Aemilio permissa. Quidam
Ostiam relegati, quod cur per eos dies a Fidenis
afuissent parum constabat. Colonorum additus
numerus agerque iis bello interemptorum adsignatus.
7 Siccitate eo anno plurimum laboratum est, nec
caelestes modo defuerunt aquae sed terra quoque
ingenito umore egens vix ad perennes suffecit amnes
8 Defectus alibi aquarum circa torridos fontes rivosque
stragem siti pecorum morientum dedit; scabie alia
absumpta; volgatique contactu in homines morbi.
Et primo in agrestes ingruerant servitiaque; urbs
9 deinde impletur. Nec corpora modo adfecta tabo,
sed animos quoque multiplex religio et pleraque
externa invasit, novos ritus sacrificandi vaticinando

[1] Hostius Ω (I. xii. 2): Hostus *Sigonius* (*C.I.L.* i², *p.* 111).

[1] An earlier law (*Menenia Sextia*, 452 B.C.) had fixed the limit of fines which magistrates might impose on their own responsibility at two sheep for poor men and thirty oxen for rich men. The present law (*Papiria Iulia*) provided for a uniform money equivalent for these fines, *viz.* twenty and three thousand asses respectively.

B.C. 430 427

valuation of fines was most welcome to the people. Having learned through the treachery of a member of the college that the tribunes were drawing one up, the consuls anticipated their action and themselves proposed it.[1]

The next consuls were Lucius Sergius Fidenas (for the second time) and Hostius Lucretius Tricipitinus. Nothing noteworthy was done this year. They were succeeded in the consulship by Aulus Cornelius Cossus and Titus Quinctius Poenus, who was elected for the second time. The Veientes made inroads into Roman territory. It was rumoured that certain young men of Fidenae had shared in the pillaging. The investigation of this report was intrusted to Lucius Sergius, Quintus Servilius, and Mamercus Aemilius; and certain men were banished to Ostia, because it was not clear why they had been away from Fidenae during those days. A number of settlers were added to the colony, and land was assigned them which had belonged to men who had fallen in the war. A drought that year caused great suffering. Not only did the skies provide too little rain, but the earth as well was deficient in native moisture and could hardly supply the perennial streams. In some cases the failure of the sources caused the dry springs and brooks to be lined with cattle perishing of thirst; others were carried off by a mange, and their diseases were by contact communicated to mankind. At first they attacked country people and slaves; then the City was infected. And not only were men's bodies smitten by the plague, but a horde of superstitions, mostly foreign, took possession of their minds, as the class of men who find their profit in superstition-ridden souls intro-

A.U.C. 324–327 inferentibus in domos, quibus quaestui sunt capti
10 superstitione animi, donec publicus iam pudor ad primores civitatis pervenit cernentes in omnibus vicis sacellisque peregrina atque insolita piacula
11 pacis deum exposcendae. Datum inde negotium aedilibus ut animadverterent ne qui nisi Romani di neu quo alio more quam patrio colerentur.

12 Irae adversus Veientes in insequentem annum, C. Servilium Ahalam L. Papirium Mugillanum[1] consules,
13 dilatae sunt. Tunc quoque ne confestim bellum indiceretur neve exercitus mitterentur religio obstitit; fetiales prius mittendos ad res repetendas
14 censuere. Cum Veientibus nuper acie dimicatum ad Nomentum et Fidenas fuerat, indutiaeque inde, non pax facta, quarum et dies exierat et ante diem rebellaverant; missi tamen fetiales; nec eorum, cum more patrum iurati repeterent res, verba sunt audita.
15 Controversia inde fuit utrum populi iussu indiceretur bellum an satis esset senatus consultum. Pervicere tribuni, denuntiando impedituros se dilectum, ut Quinctius consul de bello ad populum ferret.
16 Omnes centuriae iussere. In eo quoque plebs superior fuit, quod tenuit ne consules in proximum annum crearentur.

A.U.C. 328 XXXI. Tribuni militum consulari potestate quattuor creati sunt, T. Quinctius Poenus ex consulatu
2 C. Furius M. Postumius A. Cornelius Cossus. Ex

[1] Mugillanum *Drakenborch*: mugilanum Ω: mugillano *OH*: mugilano ς.

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[1] For the procedure of the fetials see I. xxxii.
[2] If the war was a new war it must be sanctioned by vote of the people; if merely a continuation of the old war this was unnecessary.

duced strange sacrificial rites into their homes, pretending to be seers; until the public shame finally reached the leading citizens, as they beheld in every street and chapel outlandish and unfamiliar sacrifices being offered up to appease Heaven's anger. The aediles were then commissioned to see to it that none but Roman gods should be worshipped, nor in any but the ancestral way. B.C. 430–427

Revenge on the men of Veii was postponed till the following year, when Gaius Servilius Ahala and Lucius Papirius Mugillanus were consuls. Even then a religious scruple prevented the immediate declaration of war and dispatch of armies; they resolved that fetials must first be sent to require restitution. Not long before there had been a battle with the Veientes near Nomentum and Fidenae, and this had been followed not by peace but by a truce. Its time had now run out, and indeed the enemy had begun to fight again before its expiration; nevertheless fetials were sent; yet their words, when they sought reparation after taking the customary oath,[1] were not attended to. A dispute then arose whether war should be declared by command of the people, or whether a senatorial decree was enough.[2] The tribunes prevailed, by threatening to hinder the levy, and forced the consul Quinctius to refer the question of war to the people. All the centuries voted for it. In this respect also the plebs had the better, that they made good their wish that consuls should not be elected for the following year.

XXXI. Four military tribunes with consular powers B.C. 426
were elected, Titus Quinctius Poenus, who had just been consul, Gaius Furius, Marcus Postumius, and Aulus Cornelius Cossus. Of these, Cossus had charge

A.U.C. 328 his Cossus praefuit urbi, tres dilectu habito profecti sunt Veios documentoque fuere quam plurium imperium bello inutile esset. Tendendo ad sua quisque consilia, cum aliud alii videretur, aperuerunt ad
3 occasionem locum hosti; incertam namque aciem, signum aliis dari, receptui aliis cani iubentibus, invasere opportune Veientes. Castra propinqua
4 turbatos ac terga dantes accepere; plus itaque ignominiae quam cladis est acceptum. Maesta civitas fuit vinci insueta; odisse tribunos, poscere dictatorem: in eo verti spes civitatis. Et cum ibi quoque religio obstaret ne non posset nisi ab consule dici dictator, augures consulti eam religionem
5 exemere. A. Cornelius dictatorem Mam. Aemilium[1] dixit et ipse ab eo magister equitum est dictus; adeo, simul fortuna civitatis virtute vera eguit, nihil censoria animadversio effecit quo minus regimen rerum ex notata indigne domo peteretur.

6 Veientes re secunda elati missis circum Etruriae populos legatis iactando tres duces Romanos ab se uno proelio fusos, cum tamen nullam publici consilii societatem movissent, voluntarios undique ad spem
7 praedae adsciverunt. Uni Fidenatium populo rebellare placuit; et tamquam nisi ab scelere bellum ordiri nefas esset, sicut legatorum ante, ita tum

[1] Mam. Aemilium ς (*cf. chap.* xxiii. § 5): m (*or* m̄) aemilium Ω: martium aemilium *E*.

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[1] See chap. xxiv.

of the City; the three others held a levy and marching against Veii gave a demonstration how unprofitable it was in war to parcel out authority. By pursuing each his own counsels, one having this opinion, another that, they gave the enemy room to take them at a disadvantage; for their army was confused when some bade sound the charge, while others commanded the recall; and at this favourable moment the Veientes fell upon them. The camp, which was close by, received the demoralized and fleeing men, and so they suffered more disgrace than actual harm. The nation was filled with grief, for it was not used to being conquered; disgusted with the tribunes, people demanded a dictator: therein, they said, lay the hope of the state. And when they seemed likely to be thwarted in that also, by a scrupulous feeling that no one but a consul could name a dictator, the augurs were consulted and removed the impediment. Aulus Cornelius named as dictator Mamercus Aemilius and was himself appointed by Mamercus master of the horse, so true is it that when the fortune of the state required real worth, the animadversion of the censor could by no means prevent men's seeking a director of their affairs in a house undeservedly stigmatized.[1] B.C. 426

The Veientes, elated by their success, dispatched envoys round about to the peoples of Etruria, boasting that they had routed three Roman commanders in one fight. Nevertheless they obtained no general support from the league, though they attracted volunteers from all quarters by the prospect of booty. Only the people of Fidenae voted to renew the war; and, as though it were forbidden to commence war without a crime, as before in the blood

A.U.C. 328

novorum colonorum caede imbutis armis Veientibus
8 sese coniungunt. Consultare inde principes duorum populorum Veios an Fidenas sedem belli caperent. Fidenae visae opportuniores; itaque traiecto Tiberi
9 Veientes Fidenas transtulerunt bellum. Romae terror ingens erat. Accito exercitu a Veiis, eoque ipso ab re male gesta perculso castra locantur ante portam Collinam, et in muris armati dispositi, et iustitium in foro tabernaeque clausae fiuntque omnia castris quam urbi similiora (XXXII), cum trepidam civitatem praeconibus per vicos dimissis
2 dictator ad contionem advocatam increpuit quod animos ex tam levibus momentis fortunae suspensos gererent ut parva iactura accepta, quae ipsa non virtute hostium nec ignavia Romani exercitus sed discordia imperatorum accepta sit, Veientem hostem sexiens victum pertimescant Fidenasque prope saepius
3 captas quam oppugnatas. Eosdem et Romanos et hostes esse qui per tot saecula fuerint; eosdem animos, easdem corporis vires, eadem arma gerere; se quoque eundem dictatorem Mam.[1] Aemilium esse qui antea Veientium Fidenatiumque adiunctis
4 Faliscis ad Nomentum exercitus fuderit, et magi-

[1] Mam. ς: m̄ (*or* m) Ω: marcium *E*.

of the ambassadors, so now they imbued their swords B.C. 426
in that of the new settlers, and joined the men of Veii. Consultations followed between the leaders of the two nations whether they should take Veii or Fidenae for the headquarters of their campaign. Fidenae seemed the fitter; and accordingly the Veientes crossed the Tiber and transferred the war to Fidenae. At Rome there was a wild alarm. The troops were recalled from Veii, though even their spirits were much daunted in consequence of their failure, and encamped before the Colline Gate. Armed men were disposed along the walls, a cessation of the courts was proclaimed in the Forum, the shops were closed, and everything assumed more the look of a camp than of a city. XXXII. The dictator, sending heralds this way and that through the streets, summoned the frightened citizens to an assembly, where he rebuked them for possessing hearts so easily dismayed by trivial fluctuations of fortune that on sustaining a slight reverse—and that not due to the valour of the enemy or the cowardice of the Roman army, but to a disagreement among their generals—they were seized with dread of the Veientine enemy whom they had six times defeated, and of Fidenae which they had captured almost more often than they had attacked it. Both the Romans and their enemies were the same as they had been for so many generations; they had the same courage, the same bodily vigour, the same weapons; he was himself the same dictator Mamercus Aemilius who had formerly put to flight the armies of the Veientes and the Fidenates, with the Faliscans added, before Nomentum; and, as master of the horse, Aulus

A.U.C. 328
strum equitum A. Cornelium eundem in acie fore
qui priore bello tribunus militum, Larte Tolumnio
rege Veientium in conspectu duorum exercituum
occiso, spolia opima Iovis Feretri templo intulerit.
5 Proinde memores secum triumphos, secum spolia,
secum victoriam esse, cum hostibus scelus legatorum
contra ius gentium interfectorum, caedem in pace
Fidenatium colonorum, indutias ruptas, septimam
6 infelicem defectionem, arma caperent. Simul castra
castris coniunxissent, satis confidere nec scelera-
tissimis hostibus diuturnum ex ignominia exercitus
Romani gaudium fore, et populum Romanum intellec-
7 turum quanto melius de re publica meriti sint qui se
dictatorem tertium dixerint quam qui[1] ob ereptum
censurae regnum labem secundae dictaturae suae
8 imposuerint. Votis deinde nuncupatis profectus
mille et quingentos passus citra Fidenas castra locat,
9 dextra montibus, laeva Tiberi amne saeptus. T.
Quinctium Poenum legatum occupare montes iubet
occultumque id iugum capere quod ab tergo hostibus
foret.

10 Ipse postero die cum Etrusci pleni animorum ab
pristini[2] diei meliore occasione quam pugna in aciem
processissent, cunctatus parumper, dum speculatores
referrent Quinctium evasisse in iugum propinquum

[1] quam qui *Tan. Faber*: quam eos qui Ω.
[2] ab pristini ς: ac pristini Ω.

B.C. 426

Cornelius would be the same man in battle that he had shown himself in the former war, when as military tribune he had slain Lars Tolumnius, king of the Veientes, in full sight of both armies, and had borne the spoils of honour to the temple of Jupiter Feretrius. Let them remember then that theirs were the triumphs, theirs the spoils, theirs the victory; while their enemies were stained with the crime of putting envoys to death against the law of nations, with the slaughter in time of peace of settlers at Fidenae, with the broken truce, with rebelling unsuccessfully for the seventh time. Let them think of these things and arm. When once they should have pitched their camp near the camp of the enemy, he was very confident the dastardly foe would not long rejoice over the humiliation of a Roman army; but that the Roman People would perceive how much better those men had served the state who had named him for the third time dictator, than had those who, because he had torn from the censorship its tyrannical powers, had fixed a stigma upon his second dictatorship. Then, having offered vows to the gods, he marched out and encamped a mile and a half this side of Fidenae, protected on his right by mountains, on his left by the river Tiber. His lieutenant Titus Quinctius Poenus he commanded to secure the mountains and secretly to occupy the ridge which lay to the enemy's rear.

On the morrow, when the Etruscans, in high feather at what, on the previous day, had been more good luck than good fighting, sallied forth to offer battle, the dictator delayed a little, till his scouts should report that Quinctius had come out

A.U.C. 328 arci Fidenarum, signa profert peditumque aciem
11 instructam pleno gradu in hostem inducit; magistro equitum praecipit ne iniussu pugnam incipiat: se cum opus sit equestri auxilio signum daturum; tum ut memor regiae pugnae, memor opimi doni Romu-
12 lique ac Iovis Feretri rem gereret. Legiones impetu ingenti confligunt. Romanus odio accensus impium Fidenatem, praedonem Veientem, ruptores indutiarum, cruentos legatorum infanda caede, respersos sanguine colonorum suorum, perfidos socios, imbelles hostes compellans, factis simul dictisque odium explet.

XXXIII. Concusserat primo statim congressu hostem, cum repente patefactis Fidenarum portis nova erumpit acies inaudita ante id tempus invisi-
2 tataque. Ignibus armata ingens multitudo facibusque ardentibus tota conlucens velut fanatico instincta furore[1] cursu in hostem ruit, formaque
3 insolitae pugnae Romanos parumper exterruit. Tum dictator magistro equitum equitibusque, tum ex montibus Quinctio accito proelium ciens ipse in sinistrum cornu, quod, incendio similius quam proelio, territum cesserat flammis, accurrit claraque
4 voce "Fumone victi" inquit, "velut examen apum

[1] fanatico instincta furore *H. J. Mueller* (furore instincta *Cornelissen*): fanatico instincta Ω.

on the ridge near the citadel of Fidenae; and then B.C. 426 forming his infantry in line of battle led them at the double against the enemy. He directed the master of the horse not to begin to fight until he got his orders: when he required the help of the cavalry, he would himself give the signal; let him then bear himself as one mindful of his battle with a king, of his glorious offering, of Romulus and Jupiter Feretrius. The armies came together with great fury. The Romans were consumed with hatred. "Traitors" was the name they gave the Fidenates, and "brigands" the men of Veii; they called them breakers of truces, stained with the horrid murder of ambassadors, sprinkled with the gore of their own settlers, faithless allies and cowardly enemies; and fed their rage at once with deeds and with words.

XXXIII. They had shaken the enemy's resistance at the very first onset, when suddenly the gates of Fidenae were flung open and a strange kind of army, never seen before or heard of, came pouring out. Fire was the weapon of that vast multitude, and blazing torches threw a glare upon the entire throng when, as though inspired with a wild insanity, they rushed headlong on their enemy. For an instant the strangeness of this kind of battle dismayed the Romans. Then the dictator, calling up the master of the horse and his cavalry, sending for Quinctius to come down from the mountains, and urging on the fight himself, hurried to the left wing, which, as though it found itself in a conflagration rather than a line of battle, had shrunk back in terror from the flames, and in a loud voice cried out: "Will you quit your post,

A.U.C. 328 loco vestro exacti inermi cedetis hosti? Non ferro exstinguetis[1] ignes? Non faces has ipsas pro se quisque, si igni, non telis pugnandum est, ereptas
5 ultro inferetis? Agite, nominis Romani ac virtutis patrum vestraeque memores vertite incendium hoc in hostium urbem et suis flammis delete Fidenas, quas vestris beneficiis placare non potuistis. Legatorum hoc vos vestrorum colonorumque sanguis
6 vastatique fines monent." Ad imperium dictatoris mota cuncta acies. Faces partim emissae excipiuntur, partim vi eripiuntur: utraque acies armatur
7 igni. Magister equitum et ipse novat pugnam equestrem. Frenos ut detrahant equis imperat et ipse princeps calcaribus subditis evectus effreno equo in medios ignes infertur, et alii concitati equi
8 libero cursu ferunt equitem in hostem. Pulvis elatus mixtusque fumo lucem ex oculis virorum equorumque aufert. Ea, quae militem terruerat species nihil terruit equos. Ruinae igitur similem
9 stragem eques quacumque pervaserat dedit. Clamor deinde accidit novus; qui cum utramque mirabundam in se aciem vertisset, dictator exclamat Quinctium legatum et suos ab tergo hostem adortos;
10 ipse redintegrato clamore infert acrius signa. Cum

[1] exstinguetis ς: exstinguitis (extinguitis *EA*) Ω.

subdued with smoke like a swarm of bees, and yield B.C. 426 to an unarmed foe? Will you not extinguish fire with the sword? Will you not seize these self-same brands, and each for himself—if we must fight with fire, not with javelins—attack them with their own weapons? Come, call to mind the Roman name, your fathers' valour and your own; turn this blaze upon the enemy's city and destroy Fidenae with its own flames, since your kindness was powerless to gain its friendship! The blood of your envoys and your colonists and your devastated borders exhort you to do as I say." At the dictator's command the whole array was set in motion. Here they caught up torches which had been flung away; there they wrested them violently from their bearers: both sides were armed with fire. The master of the horse on his part invented a new kind of cavalry-fighting. Commanding his men to pull off the bridles from their horses, he led the way, and setting spurs to his own, was carried by the unbridled charger into the midst of the flames. The other horses too were urged on and bore their riders at full tilt against the enemy; while the dust that rose and mingled with the smoke darkened the eyes both of the men and of their mounts. But the sight which had frightened the infantry had no terror for the horses, and the cavalry overthrew their enemies in heaps wherever they advanced. Then a new shout was heard. Both armies in astonishment looked that way; and when the dictator called out that Quinctius the lieutenant and his followers had assailed the enemy in the rear, the cheering was renewed, and he pressed home his own attack more sharply.

A.U.C. 328 duae acies, duo diversa proelia circumventos Etruscos et a fronte et ab tergo urgerent neque in castra retro neque in montes, unde se novus hostis obiecerat, iter fugae esset, et equitem passim liberis frenis distulissent equi, Veientium maxima pars Tiberim effusi petunt, Fidenatium qui supersunt ad urbem Fidenas
11 tendunt. Infert pavidos fuga in mediam caedem; obtruncantur in ripis; alios in aquam compulsos gurgites ferunt; etiam peritos nandi lassitudo et volnera et pavor degravant; pauci ex multis tranant.
12 Alterum agmen fertur per castra in urbem. Eodem et Romanos sequentes impetus rapit, Quinctium maxime et cum eo degressos modo de montibus, recentissimum ad laborem militem, quia ultimo proelio advenerat.

XXXIV. Hi postquam mixti hostibus portam intravere, in muros evadunt suisque capti oppidi
2 signum ex muro tollunt. Quod ubi dictator conspexit—iam enim et ipse in deserta hostium castra penetraverat,—cupientem militem discurrere ad praedam spe iniecta maioris in urbe praedae ad portam ducit receptusque intra muros in arcem,
3 quo ruere fugientium turbam videbat, pergit. Nec

Now that two battle-fronts and two distinct attacks B.C. 426 hemmed in the Etruscans and forced them back from front and rear; and there was no way for them to flee, either back into their camp or into the mountains, whence a new foe had appeared to block their path; and the horses, with loose reins, had borne their riders far and wide;—the Veientes for the most part ran in disorder to the Tiber, while those of the Fidenates who survived turned towards the city of Fidenae. In their panic they fled into the middle of the carnage. Some were cut down on the banks of the river; others, forced into the water, were swept away by the current; even experienced swimmers were borne down by weariness and wounds and fear; only a few out of the many swam across. The other party was carried on through the camp to the city. Thither the Romans too pushed forward in the impetuosity of the pursuit—especially Quinctius, and with him those who had just come down from the hills and were the freshest soldiers for the work, having arrived at the close of the battle.

XXXIV. After these troops, mingling with the enemy, had entered the gate, they made their way on to the wall, where they raised a signal to show their friends that the town was taken. When the dictator saw it—for by this time he had himself penetrated to the deserted camp of the enemy,—he checked his soldiers, who were eager to scatter in search of booty, by encouraging the hope that they would find larger spoils in the city; and, leading them to the gate, was received within the walls and marched directly to the citadel, whither he saw that the throng of fugitives was rushing. Nor was

A.U.C. 328 minor caedes in urbe quam in proelio fuit, donec abiectis armis nihil praeter vitam petentes dictatori
4 deduntur. Urbs castraque diripiuntur. Postero die singulis captivis ab equite ac[1] centurionibus[2] sorte ductis, et quorum eximia virtus fuerat, binis, aliis sub corona venundatis exercitum victorem opulentumque praeda triumphans dictator Romam reduxit;
5 iussoque magistro equitum abdicare se magistratu ipse deinde abdicat die sexto decimo reddito in pace imperio, quod in bello trepidisque rebus acceperat.
6 Classi quoque ad Fidenas pugnatum cum Veientibus quidam in annales rettulere, rem aeque difficilem atque incredibilem nec nunc lato satis ad hoc amne
7 et tum aliquanto, ut a veteribus accepimus, artiore, nisi in traiectu forte fluminis prohibendo aliquarum navium concursum in maius, ut fit, celebrantes navalis victoriae vanum titulum appetivere.

A.U.C. 329-330 XXXV. Insequens annus tribunos militares consulari potestate habuit A. Sempronium Atratinum L. Quinctium Cincinnatum L. Furium Medullinum
2 L. Horatium Barbatum. Veientibus annorum viginti indutiae datae et Aequis triennii, cum plurium annorum petissent; et a seditionibus urbanis otium fuit.

3 Annum insequentem neque bello foris neque domi seditione insignem ludi bello voti celebrem et

[1] equite ac ς : equite (*or* aeq-) ad Ω : equitum *P* : equi.... *V* : aequitem ad *D*.
[2] centurionibus *Weissenborn* : centurionis *V* : centurionem (-e *M*?*L*ς) Ω.

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[1] *sc.* under the portrait of Aemilius. Livy is thinking of the partiality characteristic of such family records.

the slaughter in the city less than it had been in B.C. 426
the battle, until they threw away their arms, and asking nothing but their lives, surrendered to the dictator. The city and the camp were sacked. Next day the cavalrymen and centurions drew lots for a single captive each, while those who had shown conspicuous bravery received two. The rest were sold at auction, and the dictator marched his victorious army, enriched with plunder, back to Rome, and triumphed. After commanding his master of the horse to lay down his office, he himself abdicated, giving up in peace on the sixteenth day the supreme authority he had received in time of war and danger. Certain annalists have recorded that there was a naval battle also with the Veientes, near Fidenae, a thing equally difficult and incredible; for even to-day the river is not wide enough for that, and in those times it was somewhat narrower, as we learn from the old writers; unless possibly there were a few ships assembled to dispute the passage of the river and this was exaggerated, as so often happens, by those who added to the inscription[1] the false claim of a naval victory.

XXXV. The next year there were military B.C. 425-424
tribunes with consular powers, namely Aulus Sempronius Atratinus, Lucius Quinctius Cincinnatus, Lucius Furius Medullinus, Lucius Horatius Barbatus. The Veientes were granted a truce of twenty years, and the Aequi one of three, though they had asked for a longer one. There was a respite also from civil disturbances.

The following year was noteworthy neither for foreign war nor dissension at home, but gained celebrity from the games which had been vowed

A.U.C. 329–330

tribunorum militum apparatu et finitimorum con-
4 cursu fecere. Tribuni consulari potestate erant
Ap. Claudius[1] Crassus Sp. Nautius[2] Rutulus[3] L.
Sergius[4] Fidenas Sex. Iulius Iulus.[5] Spectaculum
comitate etiam hospitum, ad quam publice con-
5 senserant,[6] advenis gratius fuit. Post ludos contiones
seditiosae tribunorum plebi fuerunt, obiurgantium
multitudinem quod admiratione eorum quos odisset
6 stupens, in aeterno se ipsa teneret servitio, et non
modo ad spem consulatus in partem revocandam
adspirare non auderet, sed ne in tribunis quidem mili-
tum creandis, quae communia essent comitia patrum
7 ac plebis, aut sui aut suorum meminisset. Desineret
ergo mirari cur nemo de commodis plebis ageret;
eo impendi laborem ac periculum unde emolumentum
atque honos speretur; nihil non adgressuros homines
8 si magna conatis magna praemia proponantur; ut
quidem aliquis tribunus plebis ruat caecus in certa-
mina periculo ingenti, fructu nullo, ex quibus pro
certo habeat patres, adversus quos tenderet,[7] bello
inexpiabili se persecuturos, apud plebem, pro qua
dimicaverit, nihilo se honoratiorem fore, neque
9 sperandum neque postulandum esse. Magnos ani-
mos magnis honoribus fieri. Neminem se plebeium

[1] Ap. Claudius *Glareanus* (*chap.* xxxvi. § 5): Claudius Ω.
[2] Nautius ς (*chap.* xliv. § 13, *and* § 6 *infra*): naeuius Ω.
[3] Rutulus *Conway* (*after Sigonius, cf.* III. vii. 6, *and C.I.L.* i², *p.* 114): rutilius (ritilius *E*) Ω.
[4] L. Sergius *Sigonius* (*chap.* xxv. 2; xlv. 5; *Diod.* xii. 82): titus (*or* t̄) sergius (-as *E*) Ω.
[5] Iulus *Sigonius* (*cf.* Fasti Cap., e.g. *C.I.L.* i², *p.* 106): tullus *MPUE*: tullius *HDLA*: *omitted in V.*
[6] publice consenserant *Gronovius*: consenserant consilio publico consensu uenerant *M*: publico consensu uenerant Ω.
[7] tenderet Ω: tendere *D*³ (*over erasure*): tetenderit *Madvig.*

B.C. 425–424

during the war and were splendidly carried out by the military tribunes and attended by a great concourse of neighbouring peoples. The tribunes with consular authority were Appius Claudius Crassus, Spurius Nautius Rutulus, Lucius Sergius Fidenas, and Sextus Julius Iulus. The spectacle was rendered the more agreeable to the visitors by the courtesy which their hosts had united in a resolution to extend to them. After the games seditious speeches were made by the plebeian tribunes, who berated the populace because, in their besotted admiration of the men they hated, they kept themselves in perpetual servitude, and not only dared not aspire to claim participation in the consulship, but even in the matter of choosing military tribunes—an election open alike to patricians and plebeians—took no thought either for themselves or for their friends. Let them cease therefore to wonder why no one busied himself for the good of the plebs; toil was bestowed and danger risked, they said, in causes which held out hopes of emolument and honour; there was nothing men would not attempt if those who made great efforts were afforded the prospect of great rewards; but that some one plebeian tribune should rush blindly into a struggle where the risk was enormous and the reward was nothing, and in consequence of which he might be certain that the patricians, against whom he would be striving, would pursue him with relentless animosity, and that the plebs, for whom he would have fought, would not add the least tittle to his honours, was a thing to be neither expected nor demanded. Great hearts were begotten of great honours. No plebeian would despise himself when plebeians should cease

A.U.C. 329-330

contempturum, ubi contemni desissent. Experi-
undam rem denique in uno aut altero esse sitne
aliqui plebeius ferendo magno honori, an portento
simile miraculoque sit fortem ac strenuum virum
10 aliquem exsistere ortum ex plebe. Summa vi ex-
pugnatum esse ut tribuni militum consulari potestate
et ex plebe crearentur. Petisse viros domi militi-
aeque spectatos; primis annis suggillatos, repulsos,
risui patribus fuisse; desisse postremo praebere ad
11 contumeliam os. Nec se videre cur non lex quoque
abrogetur, qua id liceat quod nunquam futurum
sit; minorem quippe ruborem fore in iuris iniquitate
quam si per indignitatem ipsorum praetereantur.

XXXVI. Huius generis orationes cum adsensu
auditae incitavere quosdam ad petendum tribunatum
militum, alium alia de commodis plebis laturum se
2 in magistratu profitentem. Agri publici dividendi
coloniarumque deducendarum ostentatae spes et
vectigali possessoribus agrorum imposito in stipendium
3 militum erogandi aeris. Captatum deinde tempus ab
tribunis militum, quo per discessum hominum ab
urbe, cum patres clandestina denuntiatione revocati
ad diem certam essent, senatus consultum fieret ab-
4 sentibus tribunis plebi ut quoniam Volscos in Herni-
corum agros praedatum exisse fama esset, ad rem
inspiciendam tribuni militum proficiscerentur consula-

[1] The first attempt to tax the patricians enjoying the use of the public land for the purpose of paying the soldiers, who had always been required to serve gratis. See chap. lix. § 11.

B.C. 425-424

to be despised. It was high time they made trial in one or two cases, to see whether there were some plebeian fit to hold high office, or whether it were almost a portent and a miracle that there should exist any brave and energetic man of plebeian origin. By exerting their utmost force they had carried the point that military tribunes with consular powers might be chosen even from the plebs. Men whose worth had been proven at home and in the field had stood for the office; during the first years they had been buffeted about, rejected, and laughed at by the patricians; finally, they had ceased to expose themselves to insult. They could see no reason, they said, why they should not even repeal a statute which authorized something that would never come; there would surely be less shame in the injustice of the law than in being passed over on account of their own unworthiness.

XXXVI. Speeches of this sort, being listened to with approval, incited certain men to stand for the military tribuneship, with the promise that they would propose in their term of office such and such measures of advantage to the plebs. Hopes were held out of dividing up the public domain and planting colonies, and of levying a tax on the occupants of the land and distributing the money as pay for the soldiers.[1] The military tribunes then watched for an opportunity when people were out of town, and recalling the senators by a secret notification, got the senate to pass a resolution, in the absence of the tribunes of the plebs, that since the Volsci were rumoured to have made a plundering expedition into the country of the Hernici, the tribunes of the soldiers should go and investigate

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5 riaque comitia haberentur. Profecti Ap. Claudium, filium decemviri, praefectum urbis relinquunt, impigrum iuvenem et iam inde ab incunabulis imbutum odio tribunorum plebisque. Tribuni plebi nec cum absentibus iis, qui senatus consultum fecerant, nec cum Appio, transacta re quod contenderent, fuit.

A.U.C. 331

XXXVII. Creati consules sunt C. Sempronius Atratinus Q. Fabius Vibulanus.

Peregrina res, sed memoria digna traditur eo anno facta, Volturnum, Etruscorum urbem, quae nunc Capua est, ab Samnitibus captam Capuamque ab duce eorum Capye[1] vel, quod propius
2 vero est, a campestri agro appellatam. Cepere autem prius bello fatigatis Etruscis in societatem urbis agrorumque accepti, deinde festo die graves somno epulisque incolas veteres novi coloni nocturna caede adorti.

3 His rebus actis consules ii quos diximus idibus Decembribus magistratum occepere.[2] Iam non
4 solum qui ad id missi erant rettulerant imminere Volscum bellum, sed legati quoque ab Latinis et Hernicis nuntiabant non ante unquam Volscos nec ducibus legendis nec exercitui scribendo intentiores
5 fuisse; volgo fremere aut in perpetuum arma bellumque oblivioni danda iugumque accipiendum, aut iis cum quibus de imperio certetur nec virtute nec

[1] Capye *Vorm.*: capue A^2 *marg.*: capio Ω.
[2] occepere ς (*cf.* I. vii. 6): accepere Ω: ceperunt *H.*

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[1] The name is now connected with Greek κῆπος "orchard" or "garden" not (as Livy thought) with *campus* "plain."
[2] The events described in chap. xxxvi.

the affair, and that a consular election should be held. The tribunes set out, leaving Appius Claudius, the decemvir's son, as prefect of the City. He was an energetic young man and imbued from his very cradle with hatred of the tribunes and the plebs. The plebeian tribunes had no ground of contention either with the absent officials who had obtained the resolution of the senate, or with Appius, now that the thing was done. XXXVII. Gaius Sempronius Atratinus and Quintus Fabius Vibulanus were elected consuls.

B.C. 425–424

B.C. 423

A foreign episode, but worth relating, is ascribed to this year, viz. that Volturnum, the Etruscan city which is now Capua, was taken by the Samnites, and named Capua from their leader Capys, or, as is more probable, from its champaign country.[1] Now they captured it after being admitted by the Etruscans—who were worn out with fighting—to a share in the city and its fields; then, on a holiday, when the old settlers were heavy with sleep and feasting, the newcomers fell upon them in the night and slew them.

In the train of these events,[2] the consuls whom I have named took up their duties, on the 13th of December. By this time not only had those who had been dispatched for this purpose reported that a Volscian invasion was imminent, but envoys from the Latins, and the Hernici as well, announced that never before had the Volscians been more energetic, whether in selecting generals or in levying an army; that everywhere men were muttering that they must either give up for ever all thoughts of arms and war, and submit to the yoke, or must not lag behind those with whom they were contending for

A.U.C. 331 patientia nec disciplina rei militaris cedendum esse.
6 Haud vana attulere; sed nec perinde patres moti
sunt, et C. Sempronius, cui ea provincia sorti evenit,
tamquam constantissimae rei fortunae fretus, quod
victoris populi adversus victos dux esset, omnia
7 temere ac neglegenter egit, adeo ut disciplinae
Romanae plus in Volsco exercitu quam in Romano
esset. Ergo fortuna, ut saepe alias, virtutem est
8 secuta. Primo proelio, quod ab Sempronio incaute
inconsulteque commissum est, non subsidiis firmata
9 acie, non equite apte locato concursum est. Clamor
indicium primum fuit quo[1] res inclinatura esset,
excitatior crebriorque ab hoste sublatus: ab Romanis
dissonus, impar, segnius saepe iteratus prodidit[2]
10 pavorem animorum. Eo ferocior inlatus hostis urgere
scutis, micare gladiis. Altera ex parte nutant
circumspectantibus galeae, et incerti trepidant
11 applicantque se turbae; signa nunc resistentia
deseruntur ab antesignanis, nunc inter suos manipulos recipiuntur. Nondum fuga certa, nondum
victoria erat; tegi magis Romanus quam pugnare;
Volscus inferre signa, urgere aciem, plus caedis
hostium videre quam fugae.

[1] quo *Frag. Haverk.*[2] (*cf. chap.* xxxiii. § 12 *and* xxv. xxi. 4): qua Ω: quam *PUDL.*
[2] prodidit *Gruter*: incerto clamore prodidit Ω.

supremacy, either in courage or in endurance or in military discipline. Their tidings were true, but they caused no answerable activity among the senators; and Gaius Sempronius, to whom the command had been assigned by lot, trusting to fortune as though it were the most constant thing in the world, because he had commanded the victorious nation against the people they had defeated, conducted everything so carelessly and rashly that Roman discipline was more in evidence in the Volscian army than in the Roman. Accordingly Fortune, as on many another occasion, waited on desert. In the first battle, which Sempronius entered without caution or deliberation, his line was not strengthened with reserves nor was his cavalry skilfully posted, when the fighting began. The battle-cries were the first intimation how the affair was likely to go; for the enemy's was louder and fuller, that of the Romans dissonant and uneven and, dragging more with each repetition, betrayed the faintness of their hearts. This caused the enemy to charge the more boldly, thrusting with shields and making play with swords. On the Roman side helmets nodded, as their wearers looked this way and that for help, and irresolute soldiers made falteringly for the nearest group; at one moment the standards would be left behind by the retreat of the front-rankers, at the next they would be falling back among their proper maniples. It was not yet a definite flight, not yet a victory; the Romans sought rather to protect themselves than to fight; the Volscians advanced and bore hard against the Roman line, but saw more of their enemies killed than running away. B.C. 423

A.U.C. 331

XXXVIII. Iam omnibus locis ceditur nequiquam Sempronio consule obiurgante atque hortante. Nihil
2 nec imperium nec maiestas valebat, dataque mox terga hostibus forent, ni Sex. Tempanius, decurio equitum, labante[1] iam re praesenti animo subvenisset. Qui cum magna voce exclamasset ut equites qui salvam rem publicam vellent esse ex
3 equis desilirent, omnium turmarum equitibus velut ad consulis imperium motis, "Nisi haec" inquit, "parmata[2] cohors sistit impetum hostium, actum de imperio est. Sequimini pro vexillo cuspidem meam; ostendite Romanis Volscisque neque equitibus vobis ullos equites nec peditibus esse pedites pares."
4 Cum clamore comprobata adhortatio esset, vadit alte cuspidem gerens. Quacumque incedunt, vi viam faciunt; eo se inferunt obiectis parmis ubi suorum
5 plurimum laborem vident. Restituitur omnibus locis pugna, in quae eos impetus tulit; nec dubium erat quin, si tam pauci simul obire omnia possent, terga daturi hostes fuerint.

XXXIX. Et cum iam parte nulla sustinerentur, dat signum Volscus imperator ut parmatis, novae cohorti hostium, locus detur, donec impetu inlati
2 ab suis excludantur. Quod ubi est factum, interclusi equites nec perrumpere eadem qua transierant

[1] labante *Gronovius*: labente Ω.
[2] parmata *Scheelius*: armata Ω.

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[1] The *decurion* commanded a *decuria* (ten men). There were three *decuriae* in a *turma*, or squadron, and ten *turmae* in the three centuries of horse which accompanied a legion.
[2] The *parma* ("buckler" or "target") was the trooper's shield, much smaller than the *scutum* of the foot-soldier.
[3] The *vexillum*, a small red flag, was used as a cavalry ensign.

XXXVIII. But now the Romans were everywhere falling back, and it was in vain that Sempronius the consul upbraided or encouraged them. There was no virtue either in his authority or in his dignity; and his men would presently have shown the enemy their backs, had not a cavalry decurion[1] named Sextus Tempanius, just as the situation was becoming desperate, come with prompt courage to the rescue. In a loud voice he cried out that the horsemen who wished to save the state should leap down from their horses, and when the troopers in every squadron had bestirred themselves as if at the command of the consul, he added: "Unless this bucklered[2] cohort stops the enemy's rush it is all over with our supremacy. Follow my spear as your guidon;[3] show Romans and Volscians that when you are mounted no cavalry are your equals, nor any infantry, when you fight on foot!" When a cheer had shown their approval of this exhortation, he advanced with uplifted spear. Wherever they went they forced a passage; holding their targets up before them, they charged where they saw the distress of their friends was greatest. The fortune of the day was restored at every point where their onset carried them; nor was there any doubt that if those few men could have been present everywhere at the same time the enemy would have turned tail. B.C. 423

XXXIX. When the Volscian general saw that their attack could not anywhere be stopped, he ordered his troops to give ground to the men with bucklers, the enemy's new cohort, until, carried forward in their rush, they should be cut off from their friends. On this being done, the horsemen were intercepted, and were unable to break through in

A.U.C. 331 posse, ibi maxime confertis hostibus qua viam
fecerant, et consul legionesque Romanae cum quod
3 tegumen modo omnis exercitus fuerat nusquam
viderent, ne tot fortissimos viros interclusos oppri-
4 meret hostis, tendunt in quemcumque casum. Di-
versi Volsci hinc consulem ac legiones sustinere,
altera fronte instare Tempanio atque equitibus; qui
cum saepe conati nequissent perrumpere ad suos,
tumulo quodam occupato in orbem se tutabantur,
nequaquam inulti; nec pugnae finis ante noctem
5 fuit. Consul quoque nusquam remisso certamine
6 dum quicquam superfuit lucis, hostem tenuit. Nox
incertos diremit; tantusque ab imprudentia eventus
utraque castra tenuit pavor ut relictis sauciis et
magna parte impedimentorum ambo pro victis exer-
7 citus se in montes proximos reciperent. Tumulus
tamen circumsessus ultra mediam noctem est. Quo
cum circumsedentibus nuntiatum esset castra deserta
esse, victos rati suos et ipsi, qua quemque in te-
8 nebris pavor tulit fugerunt. Tempanius metu in-
sidiarum suos ad lucem tenuit. Degressus[1] deinde
ipse cum paucis speculatum cum ab sauciis hostibus
sciscitando comperisset castra Volscorum deserta
esse, laetus ab tumulo suos devocat et in castra

[1] degressus *Sigonius*: digressus (-os *P*) Ω.

the same way as they had got over, since their enemies B.C. 423 were most thickly crowded together where they had made their path. When the consul and the Roman legions could nowhere see the soldiers who a moment before had been a shield to the entire army, they pressed forward to save at any cost so many heroic men from being surrounded and borne down by the enemy. The Volscians, facing two ways, sustained on one side the onset of the consul and the legions, and on the other front pressed home their attack upon Tempanius and his troopers; who, having failed, in spite of many attempts, to force their way through to their friends, had seized a certain mound and, forming a circle, were defending themselves, not without taking vengeance on their assailants. The battle did not end till nightfall. Neither did the consul relax his efforts anywhere, but kept the enemy engaged as long as there was any light. Darkness put a stop to the indecisive struggle, and the terror in each camp was such, in consequence of men's ignorance of the outcome, that both armies, abandoning their wounded and a good part of their baggage, retreated to the nearest hills, as though defeated. Nevertheless the mound was besieged till after midnight. But when word was brought to the besiegers that their camp was abandoned, they too supposed that their side had been defeated, and every man fled where his panic led him in the darkness. Tempanius feared an ambush and kept his soldiers close till daylight. Then, descending with a few followers to reconnoitre, he discovered by questioning some wounded enemies that the camp of the Volscians was deserted, whereupon he joyfully called his men down from the hill and made his way

A.U.C. 331 9 Romana penetrat. Ubi cum vasta desertaque omnia
atque eandem quam apud hostes foeditatem invenis-
set, priusquam Volscos cognitus error reduceret,
quibus poterat sauciis ductis secum, ignarus quam
regionem consul petisset, ad urbem proximis iti-
neribus pergit

XL. Iam eo fama pugnae adversae castrorumque
desertorum perlata erat, et ante omnia deplorati erant
equites non privato magis quam publico luctu, Fabi-
2 usque consul terrore urbi quoque iniecto stationem
ante portas agebat, cum equites procul visi non sine
terrore ab dubiis quinam essent, mox cogniti tantam
ex metu laetitiam fecere ut clamor urbem pervaderet
3 gratulantium salvos victoresque redisse equites, et
ex maestis paulo ante domibus quae conclamaverant
suos, procurreretur in vias, pavidaeque matres ac
coniuges oblitae prae gaudio decoris obviam agmini
occurrerent, in suos quaeque simul corpore atque
4 animo vix prae gaudio compotes effusae. Tribunis
plebi qui M. Postumio et T. Quinctio diem dixerant,
quod ad Veios eorum opera male pugnatum esset,
occasio visa est per recens odium Semproni consulis
5 renovandae in eos invidiae. Itaque advocata con-

into the Roman camp. There he found everything B.C. 423 abandoned and forlorn and the same desolation he had met with on the ground of the enemy; and, before the Volsci could learn of their blunder and return, he carried with him such of the wounded as he was able, and not knowing what way the consul had gone, took the nearest road to the City.

XL. Thither the rumour of an unsuccessful engagement and the abandonment of the camp had already made its way, and more than all the rest the horsemen had been mourned, with public as well as private lamentations. The consul Fabius was keeping watch before the gates—for the panic had permeated even the City—when cavalry were espied a long way off, and caused no little trepidation, since men knew not who they could be. But being soon after recognized, they turned the people's fear to such rejoicing that the City was filled with the noise of congratulations on the safe and victorious return of the horse; and from the houses which a little while before had been filled with sadness and had bewailed their sons as dead, the inhabitants ran out into the street, and trembling mothers and wives, heedless of decorum in their happiness, hurried to meet the troops, and flung themselves with utter abandonment into the arms of their loved ones, being scarcely able to control themselves for joy. The plebeian tribunes, who had set a day for the trial of Marcus Postumius and Titus Quinctius, because of their responsibility for the reverse at Veii, thought a favourable opportunity was afforded by the odium recently incurred by the consul Sempronius for renewing men's displeasure with them. So, having called a meeting, they loudly declared that the state

A.U.C. 331 tione cum proditam Veiis rem publicam esse ab ducibus, proditum deinde, quia illis impune fuerit, in Volscis ab consule exercitum, traditos ad caedem fortissimos equites, deserta foede castra vociferati
6 essent, C. Iunius,[1] unus ex tribunis, Tempanium equitem vocari iussit coramque ei "Sex. Tempani" inquit, "quaero de te, arbitrerisne C. Sempronium consulem aut in tempore pugnam inisse aut firmasse subsidiis aciem aut ullo boni consulis functum officio,
7 et tunc ipse victis legionibus Romanis tuo consilio equitem ad pedes deduxeris restitueris que pugnam; excluso deinde ab acie nostra tibi atque equitibus num aut consul ipse subvenerit aut miserit prae-
8 sidium; postero denique die ecquid praesidii usquam habueris, an tu cohorsque in castra vestra virtute perruperitis; ecquem in castris consulem, ecquem exercitum inveneritis, an deserta castra, relictos
9 saucios milites. Haec pro virtute tua fideque, qua una hoc bello res publica stetit, dicenda tibi sunt hodie; denique ubi C. Sempronius, ubi legiones nostrae sint; desertus sis an deserueris consulem exercitumque; victi denique simus an vicerimus."

A.U.C. 332 XLI. Adversus haec Tempani oratio incompta fuisse dicitur, ceterum militariter gravis, non suis vana
2 laudibus, non crimine alieno laeta. Quanta prudentia rei bellicae in C. Sempronio esset, non militis

[1] Iunius ς (*cf.* *Mommsen, Römische Forschungen,* i. 115): iulius Ω

had been betrayed at Veii by its generals; and that B.C. 423
then, because they had gone scot free, the army fighting with the Volsci had been betrayed by the consul, their heroic cavalry given over to slaughter, and the camp basely abandoned. Then Gaius Junius, one of the tribunes, commanded the cavalryman Tempanius to be called, and turning to him spoke as follows: "Sextus Tempanius, I ask you whether you think that Gaius Sempronius the consul either joined battle at a suitable moment, or strengthened his line with supports, or performed any of the duties of a good consul; and whether you yourself, when the Roman legions had been beaten, dismounted the cavalry of your own motion and restored the fortunes of the battle; then, when you and your troopers had been cut off from our line, if either the consul himself came to your rescue or sent supports; furthermore, whether you had any help anywhere next day, or you and your cohort forced a way to the camp by your own valour; whether you found any consul in the camp and any army, or a deserted camp and wounded and forsaken soldiers. In the name of your courage and your loyalty, which alone have preserved the republic in this war, you must now answer these questions; finally you must tell us where Gaius Sempronius and our legions are; whether you were abandoned, or yourself abandoned the consul and the army;—in one word, whether we have been defeated or victorious."

XLI. To these questions Tempanius is said to have replied in homely terms but with a soldierly dignity, in which was neither self-praise nor self-complacent criticism of others. Touching the degree of skill in military matters possessed by Gaius Sempronius, it

A.U.C. 332

de imperatore existimationem esse, sed populi Romani fuisse, cum eum comitiis consulem legeret.
3 Itaque ne ab se imperatoria consilia neu consulares artes exquirerent, quae pensitanda magnis quoque[1] animis atque ingeniis essent; sed quod viderit
4 referre posse. Vidisse autem se, priusquam ab acie intercluderetur, consulem in prima acie pugnantem, adhortantem, inter signa Romana telaque hostium
5 versantem. Postea se a conspectu suorum ablatum ex strepitu tamen et clamore sensisse usque ad noctem extractum certamen, nec ad tumulum quem ipse tenuerat prae multitudine hostium credere
6 perrumpi potuisse. Exercitus ubi esset se nescire; arbitrari, velut ipse in re trepida loci praesidio se suosque sit tutatus, sic consulem servandi exercitus
7 causa loca tutiora castris cepisse; nec Volscorum meliores res esse credere quam populi Romani; fortunam noctemque omnia erroris mutui implesse. Precantemque deinde, ne se fessum labore ac volneribus tenerent, cum ingenti laude non virtutis
8 magis quam moderationis dimissum. Cum haec agerentur, iam consul via Labicana[2] ad fanum Quietis erat. Eo missa plaustra iumentaque alia ab urbe exercitum adfectum proelio ac via nocturna

[1] magnis quoque *H. J. Mueller*: quoque magnis Ω.
[2] Labicana *editors* (*conformably to the evidence of* Ω *in most places*): lauicana Ω.

[1] *i. e.* Sleep or Repose.

was not for a soldier, he said, to appraise a general: B.C. 423
that had been the Roman People's business when it elected Sempronius consul at the comitia. It was not, therefore, to him that they must address inquiries concerning the strategy of commanders and the qualifications of consuls; even the weighing of such abilities demanded great mental and intellectual powers. But that which he had seen he was able to report; and he had seen the consul, before he had himself been cut off from the main army, fighting in the front line, encouraging his men, and moving about amidst the standards of the Romans and the enemy's missiles. He had afterwards been carried out of sight of his friends; but still, from the din and shouting, he had made out that the struggle had been prolonged till nightfall, and he did not believe that it had been possible to break through to the hillock which he himself had held, in view of the enemy's numbers. Where the army was, he did not know; he supposed that, just as he himself had protected himself and his men by taking up a strong position, so likewise the consul, in order to save his army, had occupied a place of greater security than the camp. And he did not believe that the Volsci were any better off than the Roman People; chance and darkness had at every point confused both armies. On his going on to beg that they would not detain him, exhausted by toil and wounds, it is said that he was dismissed with the highest praise, no less for his moderation than for his bravery. Meanwhile the consul had already reached the shrine of Quies[1] on the Labican road. Thither wagons and beasts of burden were dispatched from the City, and brought the soldiers back, weary from fighting and the night-

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9 excepere. Paulo post in urbem est ingressus consul, non ab se magis enixe amovens culpam quam
10 Tempanium meritis laudibus ferens. Maestae civitati ab re male gesta et iratae ducibus M. Postumius reus obiectus, qui tribunus militum pro consule ad Veios fuerat, decem milibus aeris gravis damnatur.
11 T. Quinctium collegam eius, quia et in Volscis consul auspicio dictatoris Postumi Tuberti et ad Fidenas legatus dictatoris alterius Mam. Aemili res prospere gesserat, totam culpam eius temporis in praedamnatum collegam transferentem omnes tribus absol-
12 verunt. Profuisse ei Cincinnati patris memoria dicitur, venerabilis viri, et exactae iam aetatis Capitolinus Quinctius suppliciter orans ne se brevi reliquo vitae spatio tam tristem nuntium ferre ad Cincinnatum paterentur.

XLII. Plebs tribunos plebi absentes Sex. Tempanium M. Asellium [1] Ti. Antistium Ti. Spurillium [2] fecit, quos et pro centurionibus sibi praefecerant Tempanio
2 auctore equites. Senatus, cum odio Semproni consulare nomen offenderet, tribunos militum consulari potestate creari iussit. Creati sunt L. Manlius [3] Capitolinus Q. Antonius Merenda L. Papirius Mu-
3 gillanus.[4] Principio statim anni L. Hortensius

[1] M. Asellium *Mommsen*: a. sellium Ω.
[2] Ti. Antistium, Ti. Spurillium *Mommsen*: et antistium et spurillium (sparillium *H*) Ω.
[3] Manlius ς: manilius Ω.
[4] Mugillanus E^2 *or* E^3 ς: mugilanus *U*: mugilianus Ω.

[1] *Aes grave* ("heavy bronze") is used to distinguish the original *as libralis* (*i. e.* of a pound in weight) from the reduced *as* of a later time.
[2] When they had dismounted to fight as infantry; see chap. xxxviii.

march. A little later the consul entered the City, B.C. 423
and showed no less concern to extol Tempanius with well-merited praise than to clear himself of blame. While the citizens were grieving over their defeat, and were filled with resentment against their commanders, Marcus Postumius, who had been military tribune with consular authority at Veii, was brought before them for trial and condemned to pay a fine of ten thousand pounds of bronze.[1] Titus Quinctius his colleague, having been victorious both in the Volscian country, when consul under the auspices of the dictator Postumius Tubertus, and at Fidenae, as lieutenant to the other dictator, Mamercus Aemilius, shifted all the blame for the present campaign upon his colleague who had already been condemned, and was acquitted by all the tribes. It is said that the memory of his father Cincinnatus, whom the people venerated, was a help to him, and also the fact that Quinctius Capitolinus, now well-stricken in years, supplicated and implored them not to suffer him, who had but a little time to live, to be the bearer of such sad news to Cincinnatus.

XLII. The plebs elected in their absence Sextus B.C. 422
Tempanius, Marcus Asellius, Tiberius Antistius, and Tiberius Spurillius to be plebeian tribunes. These were men whom the cavalry had also chosen, at the instance of Tempanius, to act as centurions over them.[2] The senate, feeling that the hatred of Sempronius made the title of consul offensive, ordered the election of military tribunes with consular powers. The successful candidates were Lucius Manlius Capitolinus, Quintus Antonius Merenda, Lucius Papirius Mugillanus. At the very beginning of the year Lucius Hortensius, tribune of the plebs, brought an

A.U.C. 332 tribunus plebis C. Sempronio, consuli anni prioris, diem dixit. Quem cum quattuor collegae inspectante populo Romano orarent ne imperatorem suum innoxium, in quo nihil praeter fortunam reprehendi
4 posset, vexaret, aegre Hortensius pati, temptationem eam credens esse perseverantiae suae nec precibus tribunorum, quae in speciem modo iactentur, sed
5 auxilio confidere reum. Itaque modo ad eum conversus, ubi illi patricii spiritus, ubi subnixus et fidens innocentiae animus esset quaerebat; sub tribunicia
6 umbra consularem virum delituisse? modo ad collegas: "Vos autem, si reum perago, quid acturi estis? an erepturi ius populo et eversuri tribuniciam potes-
7 tatem?" Cum illi et de Sempronio et de omnibus summam populi Romani potestatem esse dicerent nec se iudicium populi tollere aut velle aut posse, sed si preces suae pro imperatore, qui sibi parentis
8 esset loco, non valuissent, se vestem cum eo mutaturos, tum Hortensius "Non videbit" inquit, "plebs Romana sordidatos tribunos suos. C. Sempronium nihil moror, quando hoc est in imperio consecutus,
9 ut tam carus esset militibus." Nec pietas quattuor tribunorum quam Hortensi tam placabile ad iustas preces ingenium pariter plebi patribusque gratius fuit.

10 Non diutius fortuna Aequis indulsit, qui ambi-

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[1] Livy perhaps begins at this point to follow another annalist, who had described a successful campaign of the Aequi not noticed by his authority for what has just preceded.

action against Gaius Sempronius, consul of the year B.C. 422 before. The tribune's four colleagues besought him in full sight of the Roman People not to persecute their general, in whom nothing could be reckoned amiss save his ill-fortune; but this Hortensius would not brook, regarding it as a test of his perseverance and persuaded that the defendant was relying not on the entreaties of the tribunes, which were thrown out merely to preserve appearances, but on their veto. And so, turning now to Sempronius, he demanded to be told where the well-known patrician spirit was, and where the courage that placed its confident reliance upon innocence; was it in the shadow of the tribunate that a former consul had found a hiding-place? And again, addressing his colleagues, he asked, "But what do you mean to do, if I persist in prosecuting the defendant? Will you rob the people of their rights and overthrow the authority of the tribunes?" When they replied that the authority of the Roman People was supreme over Sempronius and all other men, and that they neither desired nor were able to annul the people's judgment; but that if their entreaties in behalf of their commander, who stood in the relation of a parent to them, should prove ineffectual, they would put on mourning with him, then Hortensius declared, "The Roman plebs shall not see its tribunes clad in mourning. Gaius Sempronius may go free, for me, since his command has gained him this, to be so beloved by his soldiers." Nor was the loyalty of the four tribunes more pleasing to both plebs and senators than was the disposition of Hortensius to yield so readily to reasonable entreaties.

Fortune now ceased to favour the Aequi,[1] who had

A.U.C. 332 guam victoriam Volscorum pro sua amplexi fuerant.
A.U.C. 333 XLIII. Proximo anno Num.[1] Fabio Vibulano T. Quinctio Capitolini filio Capitolino consulibus ductu Fabii, cui sorte ea provincia evenerat, nihil dignum
2 memoratu actum. Cum trepidam tantum ostendissent aciem Aequi, turpi fuga funduntur haud magno consulis decore. Itaque triumphus negatus, ceterum ob Sempronianae cladis levatam ignominiam ut ovans urbem intraret concessum est.

3 Quemadmodum bellum minore quam timuerant dimicatione erat perfectum, sic in urbe ex tranquillo necopinata moles discordiarum inter plebem ac patres exorta est, coepta ab duplicando quaestorum
4 numero. Quam rem—praeter duos urbanos ut crearentur alii quaestores duo qui[2] consulibus ad ministeria belli praesto essent—a consulibus relatam cum et patres summa ope adprobassent,[3] tribuni plebi certamen intulerunt ut pars quaestorum—nam ad id tempus[4] patricii creati erant—ex plebe fieret.
5 Adversus quam actionem primo et consules et patres summa ope adnisi sunt; concedendo deinde ut, quemadmodum in tribunis consulari potestate creandis, sic[5] in quaestoribus liberum esset arbitrium populi, cum parum proficerent, totam rem de augendo
6 quaestorum numero omittunt. Excipiunt omissam tribuni, aliaeque subinde, inter quas et agrariae legis,

[1] Num. *Sigonius* (*C.I.L.* i², *p.* 112): cñ. m̃ *HLDA*: cñ. *MPUE.*

[2] ut crearentur alii quaestores duo qui *Conway and Walters*: quaestores duo qui Ω.

[3] adprobassent *Weissenborn*: adprobassent a consulibus Ω.

[4] ad id tempus *A*² ς: id tempus Ω.

[5] sic *Conway and Walters*: usi sunt adaeque (ad eq *A*) Ω.

accepted the dubious victory of the Volsci as their B.C. 422
own. XLIII. The next year Numerius Fabius Vibulanus and Titus Quinctius Capitolinus, the son of Capitolinus, were consuls. Under the leadership of Fabius, to whom this command had been assigned by lot, nothing worthy of relation was accomplished. The Aequi had scarce made an irresolute show of battle when they were routed and driven disgracefully from the field, and the consul got no credit by the affair. He was accordingly denied a triumph; but because he had relieved the ignominy incurred by Sempronius's defeat, he was allowed to enter the City in an ovation. B.C. 421

But while the war had been concluded with less of a struggle than men had feared, in the City tranquillity gave place to unexpected and serious quarrels, which broke out between the plebs and the senators, and began over the duplication of the number of quaestors. This measure—that besides the two city quaestors two others should be elected to assist the consuls in the administration of wars—was proposed by the consuls and received the hearty approval of the senate, but the tribunes of the plebs made a fight to have half of the quaestors—hitherto patricians had been chosen—taken from the plebs. Against this provision both consuls and senators at first exerted themselves with all their might; afterwards they were ready to concede that, just as in the case of tribunes with consular powers, so likewise with the quaestors, the people should be unrestricted in their choice; but making no headway with this offer, they dropped the whole question of enlarging the number of quaestors. It was then taken up where they had left it by the tribunes; and other

A.U.C. 333 seditiosae actiones exsistunt. Propter quos motus cum senatus consules quam tribunos creari mallet, neque posset per intercessiones tribunicias senatus
7 consultum fieri, res publica a consulibus ad interregnum, neque id ipsum—nam coire patricios tribuni prohibebant—sine certamine ingenti, redit.
8 Cum pars maior insequentis anni per novos tribunos plebi et aliquot interreges certaminibus extracta esset modo prohibentibus tribunis patricios coire ad prodendum interregem, modo interregem interpel-
9 lantibus, ne senatus consultum de comitiis consularibus faceret, postremo L. Papirius Mugillanus proditus interrex castigando nunc patres, nunc tribunos plebi desertam omissamque ab hominibus rem publicam, deorum providentia curaque exceptam memorabat Veientibus indutiis et cunctatione
10 Aequorum stare. Unde si quid increpet terroris, sine patricio magistratu placere rem publicam opprimi? Non exercitum, non ducem scribendo exercitui esse? An bello intestino bellum externum
11 propulsaturos? Quae si in unum conveniant, vix deorum opibus quin obruatur Romana res resisti posse. Quin illi remittendo de summa quisque iuris
12 mediis consiliis[1] copularent concordiam, patres patiendo tribunos militum pro consulibus fieri, tribuni

[1] mediis consiliis *Walters (in note)*: mediis Ω.

revolutionary schemes came to the fore in quick B.C. 421
succession, among them one for enacting an agrarian law. When the senate, because of these disturbances, preferred that consuls be elected rather than tribunes, yet was unable to pass a resolution on account of tribunician vetoes, the government passed from the consuls to an interrex; nor was even this accomplished without a violent struggle, for the tribunes tried to prevent the patricians from holding a meeting. The greater part of the ensuing year dragged on with contests between the new tribunes and several interreges. At one time the tribunes would keep the patricians from meeting to appoint an interrex; at another time they would interpose their veto against the interrex, that the senate might not pass a resolution to hold the consular elections. Finally Lucius Papirius Mugillanus was named interrex, and upbraiding now the senators, now the tribunes of the plebs, reminded them how the state, abandoned and forsaken by men, had been protected by the providential care of Heaven, and existed by the grace of the Veientine truce and the dilatory policy of the Aequi. If an alarm should break out in that quarter, was it their pleasure that the republic should be caught without a patrician magistrate? that there should be no army, no general to enrol an army? Or did they expect to beat off a foreign foe with a civil war? But if both should come at once, the help of the gods themselves would scarce suffice to stay the destruction of the Roman commonwealth. Why would they not every man abate somewhat of his full rights and compromise harmoniously on a middle course, the Fathers consenting that military tribunes should be chosen instead of consuls, the

A.U.C. 333 plebi non intercedendo quo minus quattuor quaestores promisce de plebe ac patribus libero suffragio populi fierent?

A.U.C. 334-335 XLIV. Tribunicia primum comitia sunt habita. Creati tribuni consulari potestate omnes patricii, L. Quinctius Cincinnatus tertium[1] L. Furius[2] Medullinus iterum M. Manlius[3] A. Sempronius Atratinus.
2 Hoc tribuno comitia quaestorum habente petentibusque inter aliquot plebeios filio A. Antisti[4] tribuni plebis et fratre alterius tribuni plebis Sex. Pompili, nec potestas nec suffragatio horum valuit quin quorum patres avosque consules viderant eos nobilitate prae-
3 ferrent. Furere omnes tribuni plebi, ante omnes Pompilius Antistiusque, repulsa suorum accensi.
4 Quidnam id rei esset?[5] Non suis beneficiis, non patrum iniuriis, non denique ius usurpandi[6] libidine, cum liceat quod ante non licuerit, si non tribunum militarem, ne quaestorem quidem quemquam ex plebe
5 factum! Non valuisse patris pro filio, fratris pro fratre preces, tribunorum plebis, potestatis sacrosanctae ad auxilium libertatis creatae. Fraudem profecto in re esse, et A. Sempronium comitiis plus artis adhibuisse quam fidei. Eius iniuria queri suos honore deiectos.

[1] tertium ς: tertio (*or* -cio) Ω.
[2] L. Furius *Sigonius* (*chap.* xxv. § 5, *and chap.* xxv. § 1, *and C.I.L.* i², *p.* 112): sextus (*or* sex.) furius Ω.
[3] Manlius ς (*C.I.L. ibid.*): mallius Ω.
[4] A. Antisti *Luterbacher*: antisti (*or* -ii) Ω: antistiit *D*.
[5] esset ς: esset quod Ω.
[6] ius usurpandi *Karsten*: usurpandi Ω.

tribunes interposing no veto to prevent four quaestors B.C. 421
being taken promiscuously from plebeians and patricians by free election of the people?

XLIV. The election of tribunes was held first. B.C. 420
The tribunes with consular powers who were chosen were all patricians, namely Lucius Quinctius Cincinnatus (for the third time), Lucius Furius Medullinus (for the second time), Marcus Manlius, and Aulus Sempronius Atratinus. The last-named held the election for quaestors. Among the several plebeians who sought the place were the son of a plebeian tribune, named Aulus Antistius, and the brother of another, Sextus Pompilius. Yet neither the authority nor the support of these men could prevent the people from giving the preference, because of their noble birth, to men whose fathers and grandfathers they had seen consuls. This made all the tribunes furious, but more than all the rest Pompilius and Antistius, who were incensed at the defeat of their kinsmen. What in the world, they asked, was the meaning of this? Had neither their own services nor the wrongs which the patricians had inflicted, nor even the pleasure of exercising a right—since what had before been unlawful was now permitted—availed to elect a single quaestor from the plebs, let alone a military tribune? Of no avail had been a father's entreaties for his son, a brother's for his brother, not though they had been tribunes of the plebs, and invested with an inviolable office, created for the protection of liberty. There was fraud in the matter, beyond question, and Aulus Sempronius had employed more artifice than honesty in the election. It was by his wrong-doing, they complained, that their relations had been defeated for office. And so,

A.U.C. 334-335

6 Itaque cum in ipsum et innocentia tutum et magis-
tratu, in quo tunc erat, impetus fieri non posset,
flexere iras in C. Sempronium, patruelem Atratini,
eique ob ignominiam Volsci belli adiutore collega M.
7 Canuleio diem dixere. Subinde ab iisdem tribunis
mentio in senatu de agris dividendis inlata est, cui
actioni semper acerrime C. Sempronius restiterat,
ratis,[1] id quod erat, aut deposita causa leviorem
futurum apud patres reum aut perseverantem sub
8 iudicii tempus plebem offensurum. Adversae in-
vidiae obici maluit et suae nocere causae quam
9 publicae deesse; stetitque in eadem sententia ne
qua largitio, cessura in trium gratiam tribunorum,
fieret; nec tum agrum plebi, sed sibi invidiam
quaeri; se quoque subiturum eam tempestatem forti
animo; nec senatui tanti se civem aut quemquam
alium debere esse, ut in parcendo uni malum publicum
10 fiat. Nihilo demissiore animo, cum dies venit, causa
ipse [2] pro se dicta, nequiquam omnia expertis patribus
ut mitigarent plebem, quindecim milibus aeris
damnatur.

11 Eodem anno Postumia virgo Vestalis de incestu
causam dixit crimine innoxia, ab suspicione [3] propter

[1] ratis ς : ratus Ω.

[2] causa ipse A^2 (*or* A^1) ς : causa ipsa *U* : causa ipsa ipse *PEHDLA* : causa ipse sa ipse *M*.

[3] ab suspicione *Gronovius* : ob suspicionem (-tionem *RD*) Ω.

since they could not attack the man himself, secure B.C. 420
as he was not only in his innocence but in the magistracy which he was filling, they turned their anger upon Gaius Sempronius, the cousin of Atratinus; and prosecuted him, with the co-operation of their colleague Marcus Canuleius, on the score of the humiliation suffered in the Volscian war. The same tribunes frequently mentioned in the senate the division of the public lands, a measure which Gaius Sempronius had always stoutly resisted, for they reckoned—and rightly—that either he would abandon the cause and his defence would become a matter of less concern to the patricians, or that persevering in his attitude he would give offence, up to the moment of his trial, to the plebeians. He chose to face the storm of unpopularity and to injure his own cause rather than be found wanting in that of the nation; and he held fast to the same opinion, that there should be no largess, for that would redound to the advantage of the three tribunes. It was not land for the plebs they were then looking for, he declared, but hatred for himself; he was as ready as another to confront that tempest with a courageous heart; nor ought the senate to set so high a value upon himself or any other citizen that their tenderness for him should bring about a general disaster. His spirit was not a whit less firm when the day of trial came. He pleaded his own cause; the senators exerted in vain every means of mollifying the plebs; and he was condemned to pay a fine of fifteen thousand *asses*.

The same year a Vestal virgin named Postumia was put on trial for unchastity. She was innocent of the charge, though open to suspicion because of her

A.U.C. 334-335 cultum amoeniorem ingeniumque liberius quam
12 virginem decet parum abhorrens. Eam[1] ampliatam, deinde absolutam pro collegii sententia pontifex maximus abstinere iocis colique sancte potius quam scite iussit. Eodem anno a Campanis Cumae, quam Graeci tum urbem tenebant, capiuntur.

13 Insequens annus tribunos militum consulari potestate habuit Agrippam Menenium Lanatum P. Lucretium Tricipitinum Sp. Nautium Rutulum[2]

A.U.C. 336 (XLV.), annus felicitate populi Romani periculo potius ingenti quam clade insignis. Servitia urbem ut incenderent distantibus locis coniurarunt, populoque ad opem passim ferendam tectis intento ut arcem
2 Capitoliumque armati occuparent. Avertit nefanda consilia Iuppiter, indicioque duorum comprehensi sontes poenas dederunt. Indicibus dena milia gravis aeris, quae tum divitiae habebantur, ex aerario numerata et libertas praemium fuit.

3 Bellum inde ab Aequis reparari coeptum; et novos hostes Labicanos[3] consilia cum veteribus iungere haud
4 incertis auctoribus Romam est allatum. Aequorum iam velut anniversariis armis adsueverat civitas: Labicos legati missi cum responsa inde rettulissent dubia, quibus nec tum bellum parari nec diuturnam pacem fore appareret, Tusculanis negotium datum adverterent animos ne quid novi tumultus Labicis oreretur.

[1] eam M^2: eam am *M*: famam (*omitted by P*) Ω.

[2] Rutulum *Conway* (*cf. chap.* xxxv. § 4): rutilium MA^2: *omitted by* Ω.

[3] Labicanos . . . . Labicis . . . . Labicanos . . . . Labicanis *as* Ω *reads at* II. xxxix. 4 *and several other places* (*in* § 4 Labicos *MPRL*): lauicanos, *etc.* Ω.

pretty clothes and the unmaidenly freedom of her B.C. 420
wit. After she had been remanded and then acquitted, the pontifex maximus, in the name of the college, commanded her to abstain from jests, and to dress rather with regard to sanctity than coquetry. In this same year Cumae, a city which the Greeks then held, was captured by the Campanians.

The ensuing year had as military tribunes with consular powers Agrippa Menenius Lanatus, Publius Lucretius Tricipitinus, and Spurius Nautius Rutulus.

XLV. It was a year remarkable, thanks to the good B.C. 419–18
fortune of the Roman People, for a great danger but not a disaster. The slaves conspired to set fire to the City at points remote from one another, and, while the people should be busy everywhere with rescuing their houses, to seize the Citadel and the Capitol with an armed force. Jupiter brought their wicked schemes to naught, and on the evidence of two of their number the guilty were arrested and punished. Each informant was rewarded from the public treasury with ten thousand pounds of bronze—which passed for wealth in those days—and with freedom.

The Aequi then began to prepare again for war; and word was brought to Rome on good authority that new enemies, the Labicani, were making common cause with the old ones. As for the Aequi, the citizens had by now grown accustomed to war with them, as to an annual occurrence; but they dispatched envoys to Labici, and having got them back with an ambiguous answer, from which it appeared that though war was not as yet being organized, yet peace would not long continue, they commissioned the Tusculans to watch that no fresh outbreak should occur at that place.

A.U.C. 336

5 Ad insequentis anni tribunos militum consulari
potestate inito magistratu legati ab Tusculo venerunt,
L. Sergium Fidenatem M. Papirium Mugillanum[1]
C. Servilium Prisci filium, quo dictatore Fidenae
6 captae fuerant. Nuntiabant legati Labicanos arma
cepisse et cum Aequorum exercitu depopulatos agrum
7 Tusculanum castra in Algido posuisse. Tum Labi-
canis bellum indictum; factoque senatus consulto ut
duo ex tribunis ad bellum proficiscerentur, unus res
Romae curaret, certamen subito inter tribunos ex-
ortum; se quisque belli ducem potiorem ferre, curam
8 urbis ut ingratam ignobilemque aspernari. Cum
parum decorum inter collegas certamen mirabundi
patres conspicerent, Q. Servilius "Quando nec ordinis
huius ulla" inquit, "nec rei publicae est verecundia,
patria maiestas altercationem istam dirimet. Filius
meus extra sortem urbi praeerit. Bellum utinam
qui adpetunt consideratius concordiusque quam
cupiunt gerant."

XLVI. Dilectum haberi non ex toto passim populo
placuit; decem tribus sorte ductae sunt. Ex iis
scriptos iuniores duo tribuni ad bellum duxere.
2 Coepta inter eos in urbe certamina cupiditate eadem
imperii multo impensius in castris accendi; nihil
sentire idem, pro sententia pugnare; sua consilia
3 velle, sua imperia sola rata esse; contemnere in

[1] Mugillanum *Sigonius*: mugilanum Ω.

B.C. 419–418

To the military tribunes with consular authority who held office the ensuing year, Lucius Sergius Fidenas, Marcus Papirius Mugillanus, and Gaius Servilius, son of the Priscus who as dictator had captured Fidenae, there came, just as they had entered on their magistracy, ambassadors from Tusculum, who announced that the Labicani had armed and, after devastating the Tusculan countryside in company with an Aequian army, had encamped on Algidus. Thereupon war was declared against the Labicani, and the senate resolved that two of the tribunes should proceed to the front, while one attended to matters in Rome. At this a dispute immediately broke out amongst the tribunes, each of whom boasted of his superiority as a general and spurned the care of the City as a thankless and ignoble task. While the astonished senators watched this unseemly rivalry amongst the colleagues, Quintus Servilius exclaimed, "Since you have no respect for this order nor for the republic, a father's authority shall end your quarrel. My son shall preside over the City, without recourse to lots. I only hope that those who are eager to make the campaign may conduct it with more consideration and harmony than they display in seeking it."

XLVI. It was determined not to make a general levy on the entire people, but ten tribes were chosen by lot. From these the two tribunes enrolled the men of military age and led them to war. The bickerings which had commenced between them in the City grew much hotter in the camp, from the same eagerness to command; they could not agree on anything; each strove for his own opinion; each desired his own plans and his own orders to be the

A.U.C. 336

vicem et contemni, donec castigantibus legatis tan-
dem ita comparatum est ut alternis diebus summam
4 imperii haberent. Quae cum allata Romam essent,
dicitur Q. Servilius, aetate et usu doctus precatus
ab dis[1] immortalibus ne discordia tribunorum dam-
nosior rei publicae esset quam ad Veios fuisset, et
velut haud dubia clade imminente institisse filio ut
5 milites scriberet et arma pararet. Nec falsus vates
fuit. Nam ductu L. Sergi, cuius dies imperii erat,
loco iniquo sub hostium castris, cum, quia simulato
metu receperat se hostis ad vallum, spes vana ex-
pugnandi castra eo traxisset, repentino impetu Ae-
quorum per supinam vallem fusi sunt, multique in
ruina maiore quam fuga oppressi obtruncatique.
6 Castraque eo die aegre retenta, postero die circum-
fusis iam magna ex parte hostibus per aversam
portam fuga turpi deseruntur. Duces legatique et
quod circa signa roboris de exercitu fuit Tusculum
7 petiere: palati alii per agros passim multis itineribus
maioris quam accepta erat cladis nuntii Romam con-
8 tenderunt. Minus trepidationis fuit, quod eventus
timori hominum congruens fuerat, et quod subsidia
quae respicerent in re trepida praeparata erant ab

[1] dis *Conway and Walters*: diis Ω.

B.C. 419–418

only valid ones; each despised the other and was in turn despised by him, until at last, reproved by their lieutenants, they arranged to exercise the supreme command on alternate days. When the report of this reached Rome, it is said that Quintus Servilius, taught by years and experience, besought the immortal gods that the strife between the tribunes might not result more disastrously to the republic than had been the case at Veii, and as though certain defeat were imminent, urged his son to enlist soldiers and make ready arms. Nor was he a false prophet. For under the leadership of Lucius Sergius, whose day it was to command, the Romans found themselves in an unfavourable position close to the enemy's camp, whither they had been drawn, when the Aequi feigned fear and retired to their rampart, by the vain hope of capturing it; and there they were suddenly attacked by the Aequi and driven pellmell down a sloping valley, where many of them, as they rather tumbled down than retreated, were overtaken and put to the sword. That day they defended their camp with difficulty, and on the next, when the enemy had almost surrounded it, they abandoned it by a disgraceful flight through the opposite gate. The generals and their lieutenants and such of the army's strength as kept to the standards made for Tusculum: the others, scattering through the fields, this way and that, hastened to Rome by divers roads and reported a much heavier defeat than had been sustained. There was the less dismay for the reason that the event had tallied with men's apprehensions, and because reserves which they could look to in the hour of danger had been made ready by the tribune

A.U.C. 336

9 tribuno militum. Iussuque eiusdem per minores magistratus sedato in urbe tumultu speculatores propere missi nuntiavere Tusculi duces exercitumque
10 esse, hostem castra loco non movisse. Et, quod plurimum animorum fecit, dictator ex senatus consulto dictus Q. Servilius[1] Priscus, vir cuius providentiam in re publica cum multis aliis tempestatibus ante experta civitas erat tum eventu eius belli, quod uni certamen tribunorum suspectum ante rem male
11 gestam fuerat. Magistro equitum creato a quo ipse tribuno militum dictator erat dictus, filio suo—ut tradidere quidam; nam alii Ahalam Servilium magis-
12 trum equitum eo anno fuisse scribunt,—novo exercitu profectus ad bellum accitis qui Tusculi erant, duo milia passuum ab hoste locum castris cepit.

A.U.C. 337-338

XLVII. Transierat ex re bene gesta superbia neglegentiaque ad Aequos quae in Romanis ducibus
2 fuerat. Itaque primo statim proelio cum dictator equitatu immisso antesignanos hostium turbasset, legionum inde signa inferri propere iussit signi-
3 ferumque ex suis unum cunctantem occidit. Tantus ardor ad dimicandum fuit ut impetum Aequi non tulerint, victique acie cum fuga effusa petissent castra, brevior tempore et certamine minor[2] castrorum op-
4 pugnatio fuit quam proelium fuerat. Captis direptisque castris cum praedam dictator militi concessisset

[1] Servilius A^2 ς: sulpicius (-tius *DL*) Ω.

[2] brevior tempore et certamine minor E^2 *D*? ς: breuior et certamine et tempore H^1?: breuiore tempore et certamine minor Ω.

of the soldiers. It was by his orders too that the lesser magistrates had quieted the confusion in the City, when the scouts whom he had hurriedly sent out reported that the generals and the army were at Tusculum, and that the enemy had not broken camp. And—what raised men's courage most—Quintus Servilius Priscus was in consequence of a senatorial decree named dictator—a man whose clear vision in public affairs the state had proved on many previous occasions, but particularly in the outcome of this war, because he alone had viewed the quarrel of the tribunes with anxiety, before their defeat. Having appointed his son, by whom, when military tribune, he had himself been pronounced dictator, to be master of the horse,—as some authorities have recorded; for others write that Servilius Ahala was master of the horse that year,—he set out with a fresh army for the war, sent for the troops which were at Tusculum, and fixed his camp two miles from the enemy. B.C. 419–418

XLVII. In consequence of their success, the Aequi had taken over the arrogance and carelessness which the Roman generals had shown, and the result was seen in the very first battle. When the dictator had attacked with his cavalry and had thrown the enemy's front ranks into confusion, he ordered the legions to advance rapidly, and when one of his standard-bearers hesitated, cut him down. So eager for combat were the troops, that the Aequi could not stop their rush, and when, defeated in the field, they had withdrawn to their camp in a disordered flight, it was stormed with less expenditure of time and effort than the battle itself had cost. Having captured and sacked the camp, the dictator relin- B.C. 417–416

A.U.C. 337-338

secutique fugientem ex castris hostem equites re-
nuntiassent omnes Labicanos victos, magnam partem
5 Aequorum Labicos confugisse, postero die ad Labicos
ductus exercitus oppidumque corona circumdata scalis
6 captum ac direptum est. Dictator exercitu victore
Romam reducto die octavo quam creatus erat magis-
tratu se abdicavit; et opportune senatus priusquam
ab tribunis plebi agrariae seditiones mentione inlata
de agro Labicano dividendo fierent, censuit frequens
7 coloniam Labicos deducendam. Coloni ab urbe mille
et quingenti missi bina iugera acceperunt.[1]

Captis Labicis deinde[2] tribunis militum consulari
potestate Agrippa Menenio Lanato et C. Servilio[3]
8 Structo et P. Lucretio Tricipitino, iterum omnibus
his, et Sp. Rutilio Crasso, et insequente anno A.
Sempronio Atratino tertium, et duobus iterum,
M. Papirio Mugillano[4] et Sp. Nautio Rutulo[5] bien-
nium tranquillae externae res, discordia domi ex
agrariis legibus fuit.

XLVIII. Turbatores volgi erant Sp. Maecilius
quartum et M. Metilius[6] tertium[7] tribuni plebis,
2 ambo absentes creati. Ei[8] cum rogationem pro-
mulgassent ut ager ex hostibus captus viritim divide-
retur, magnaeque partis nobilium eo plebi scito

[1] acceperunt *A*[2] ς: acceperant (accepant *A*) Ω.
[2] deinde *L. Mueller*: ac deinde Ω.
[3] C. Servilio *Glareanus* (*cf.* IV. xlv. 5 *and Diod.* XIII. vii. 1): l. seruilio Ω: seruilio *M*: *omitted by E* (*which also omits* Structo).
[4] Mugillano (*as at* IV. vii. 10): mugilano Ω.
[5] Rutulo (*as at* III. vii. 6): rutilio (rutulio *P*) Ω.
[6] M. Metilius *Alschefski*: metilius (*or* -cilius) Ω.
[7] quartum . . . tertium ς: quarto . . . tertio (*or* -cio) Ω.
[8] ei *D*? *Madvig*: et Ω.

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[1] The *iugerum* was about five-eighths of an acre.

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quished the plunder to his soldiers; and the cavalry, which had pursued the enemy as they fled from their encampment, came back with the report that all the Labicani, after their defeat, and a great part of the Aequi, had taken refuge in Labici. Next day the army marched to Labici and, drawing a cordon about the town, stormed it with ladders and plundered it. Leading his victorious army back to Rome, the dictator resigned his office eight days after his appointment; and the senate seized the opportunity, before the tribunes of the plebs could stir up agrarian troubles by proposing a division of the Labican territory, to resolve, in a largely-attended meeting, that a colony should be planted in Labici. Fifteen hundred colonists were sent from the City, and each received two *iugera*.[1]

The year that followed the capture of Labici, having as military tribunes with consular powers Agrippa Menenius Lanatus, Gaius Servilius Structus, and Publius Lucretius Tricipitinus (all these for the second time), together with Spurius Rutilius Crassus; and the succeeding year, with Aulus Sempronius Atratinus (for his third term) and Marcus Papirius Mugillanus and Spurius Nautius Rutulus (for their second) were a period of tranquillity in foreign relations but of civil discord arising out of agrarian laws.

XLVIII. Those who stirred up the people were Spurius Maecilius, tribune of the plebs for the fourth time, and Marcus Metilius, for the third, both having been elected in their absence. On their proposing a law that the land which had been captured from enemies should be divided up among the citizens, a plebiscite which would mean the confiscation of the

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3 publicarentur fortunae—nec enim ferme quicquam
agri, ut in urbe alieno solo posita, non armis partum
erat, nec quod venisset adsignatumve publice esset
4 praeterquam plebs habebat,—atrox plebi patribusque
propositum videbatur certamen. Nec tribuni mili-
tum nunc in senatu, nunc conciliis[1] privatis principum
5 cogendis viam consilii inveniebant, cum Ap. Claudius,
nepos eius qui decemvir legibus scribendis fuerat,
6 minimus natu ex patrum concilio, dicitur dixisse
vetus se ac familiare consilium domo adferre; pro-
avum enim suum Ap. Claudium ostendisse patribus
viam unam dissolvendae tribuniciae potestatis per
7 collegarum intercessionem. Facile homines novos
auctoritate principum de sententia deduci, si tem-
porum interdum potius quam maiestatis memor ad-
8 hibeatur oratio. Pro fortuna illis animos esse; ubi
videant collegas principes agendae rei gratiam omnem
ad plebem praeoccupasse nec locum in ea relictum sibi,
9 haud gravate adclinaturos se ad causam senatus, per
quam cum universo ordini, tum[2] primoribus se patrum
10 concilient. Adprobantibus cunctis et ante omnes
Q. Servilio Prisco, quod non degenerasset ab stirpe

[1] conciliis *Crévier*: in conciliis ς: in consiliis Ω.
[2] cum universo ordini, tum *Tan. Faber*: cumiuerso (?) ordine tum *D*: uniuerso ordine cum Ω.

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[1] Really his great-great-grandfather (*abavus*).
[2] The term *novus homo* was usually applied to a man who was the first of his family to hold a curule office (curule aedileship, praetorship, consulship).

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fortunes of a great part of the nobles—for there was scarcely any land, as might be expected in the case of a city situated on alien soil, which had not been gained by force of arms; nor was much, if any, of that which had been sold or assigned by the state held by other than plebeians,—it appeared that a desperate struggle was at hand between the plebs and the patricians. The military tribunes had hit upon no plan of action either in the senate or in the private conferences which they held with the leading men, when Appius Claudius, grandson of him who had been decemvir for drawing up the laws, himself the youngest of the council of senators, announced—so the story goes—that he was bringing them from his house an old family device; for it had been his great-grandfather[1] Appius Claudius who had pointed out to the senators that the only way to break the power of the tribunes lay through the veto of their colleagues. It was not difficult for the leading men of the state to induce upstart politicians[2] to change their minds, if they would but suit their discourse meantime rather to the exigencies of the crisis than to their lofty station. The sentiments of such fellows varied with their fortunes: when they saw that their colleagues, by taking the lead in the management of affairs, had appropriated all the favour of the populace in advance and had left no room there for themselves, they would incline without reluctance to the cause of the senate, by supporting which they might gain the goodwill not only of the order as a whole, but also of the foremost senators. When they had all expressed their approval, and especially Quintus Servilius Priscus, who praised the young man as

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Claudia conlaudante iuvenem, negotium datur ut
quos quisque posset ex collegio tribunorum ad inter-
11 cessionem perlicerent. Misso senatu prensantur ab
principibus tribuni. Suadendo monendo pollicendo-
que, gratum id singulis privatim, gratum universo
senatui fore, sex ad intercessionem comparavere.
12 Posteroque die cum ex composito relatum ad senatum
esset de seditione quam Maecilius Metiliusque largi-
13 tione pessimi exempli concirent, eae orationes a
primoribus patrum habitae sunt ut pro se quisque
iam nec consilium sibi suppetere diceret nec se ullam
opem cernere aliam usquam praeterquam in tri-
bunicio auxilio; in eius potestatis fidem circum-
ventam rem publicam, tamquam privatum inopem,
14 confugere; praeclarum ipsis potestatique esse non
ad vexandum senatum discordiamque ordinum mo-
vendam plus in tribunatu virium esse quam ad re-
15 sistendum improbis collegis. Fremitus deinde universi
senatus ortus, cum ex omnibus partibus curiae tribuni
appellarentur. Tum silentio facto ii qui praeparati
erant gratia principum, quam rogationem a collegis
promulgatam senatus censeat dissolvendae rei publicae
esse, ei se intercessuros ostendunt. Gratiae inter-
16 cessoribus ab senatu actae. Latores rogationis con-

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one who had not degenerated from the Claudian stock, everybody was given the task of inducing such of the tribunician college as he could to interpose their vetoes. The senate adjourned and the leading members began to canvass the tribunes. By arguments in which they mingled warnings with the promise that their action would earn the tribunes the personal gratitude of individuals, as well as that of the senate as a body, they got six men to promise their opposition. Next day when the senate, in accordance with a preconcerted plan, had taken up the question of the sedition which Maecilius and Metilius were beginning by proposing a donation of the most objectionable type, the principal senators made speeches in which each took occasion to say that he could think of nothing to suggest and saw no help for the situation anywhere save in the assistance of the tribunes; this was the power to whose protection the harassed republic, like a private citizen in distress, now fled for succour; it was a glorious thing both for the men themselves and for their office that the tribunate possessed no less strength for the resistance of its wicked colleagues than for troubling the senate and promoting discord between the orders. Loud shouts were then heard from the entire senate and appeals were addressed to the tribunes from every part of the Curia. Then, after silence had been obtained, those who had been won over by the favour of the chief senators declared their readiness to veto the measure which their colleagues had proposed but the senate deemed subversive of the republic. The thanks of the senate were voted the protesters. The authors of the bill convened an assembly, and accusing their

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tione advocata proditores plebis commodorum ac servos consularium appellantes aliaque truci oratione in collegas invecti actionem deposuere.

A.U.C. 339-340

XLIX. Duo bella insequens annus habuisset, quo P. Cornelius Cossus C. Valerius Potitus Q. Quinctius Cincinnatus Num. Fabius[1] Vibulanus tribuni militum
2 consulari potestate fuerunt, ni Veiens bellum religio principum distulisset, quorum agros Tiberis super
3 ripas effusus maxime ruinis villarum vastavit. Simul Aequos triennio ante accepta clades prohibuit Bo-
4 lanis,[2] suae gentis populo, praesidium ferre. Excursiones inde in confinem agrum Labicanum[3] factae
5 erant novisque colonis bellum inlatum. Quam noxam cum se consensu omnium Aequorum defensuros sperassent, deserti ab suis ne memorabili quidem bello, per obsidionem levemque unam pugnam et
6 oppidum et fines amisere. Temptatum ab L. Decio[4] tribuno plebis, ut rogationem ferret qua Bolas quoque, sicut Labicos, coloni mitterentur, per intercessionem collegarum, qui nullum plebi scitum nisi ex auctoritate senatus passuros se perferri ostenderunt, discussum est.

7 Bolis insequente anno receptis Aequi coloniaque eo deducta novis viribus oppidum firmarunt, tribunis militum Romae consulari potestate Cn. Cornelio Cosso L. Valerio Potito Q. Fabio Vibulano iterum

[1] Num. Fabius *Sigonius* (*cf.* IV. xliii. 1): marcus (*or* m̃) Ω.

[2] Bolanis *Sigonius and Cluverius*: uolanis Ω: uolentes *U* (*the same correction throughout the chap.*).

[3] Labicanum *as at chap.* xlv. § 3: lauic- Ω (*so* lauicos *infra*).

[4] L. Decio ς: l. quintio decio *U*: l. sextio *A*[3]: l. dexio *MHDLA*: l. q. dexio *PE*.

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colleagues of being traitors to the interests of the plebs and slaves of the consulars, and in other ways bitterly denouncing them, withdrew their measure.

B.C. 415-414

XLIX. There would have been two wars in the ensuing year, in which Publius Cornelius Cossus, Gaius Valerius Potitus, Quintus Quinctius Cincinnatus, and Numerius Fabius Vibulanus were military tribunes with consular powers, had not the war with Veii been delayed, thanks to the superstition of the Veientine leaders, whose farms an overflow of the Tiber had laid waste, chiefly by ruining the farmhouses. At the same time the Aequi were deterred by the defeat they had suffered three years before from marching to the assistance of the Bolani, a tribe of their own race. These people had made incursions into the neighbouring territory of Labici and attacked the new settlers. The consequences of this outrage they had hoped to avoid by means of the co-operation of all the Aequi; but, having been abandoned by their friends, they lost their town and their lands, in a war which does not even merit description, as the result of a siege and a single skirmish. An attempt on the part of Lucius Decius, a plebeian tribune, to carry a law providing that colonists should be sent to Bolae too, as well as to Labici, was frustrated through the intervention of his colleagues, who intimated that they would permit no plebiscite to pass unless it had the warrant of the senate.

Bolae was retaken the next year, and the Aequi planted a colony there and strengthened the town with new defenders. Rome now had the following military tribunes with consular powers, Gnaeus Cornelius Cossus, Lucius Valerius Potitus, Quintus Fabius Vibulanus (for the second time), and Marcus

A.U.C. 339–340

8 M. Postumio Regillensi.[1] Huic bellum adversus
Aequos permissum est, pravae mentis homini, quam
9 tamen victoria magis quam bellum ostendit. Nam
exercitu impigre scripto ductoque ad Bolas cum levibus proeliis Aequorum animos fregisset, postremo in oppidum inrupit. Deinde ab hostibus in cives certamen vertit et cum inter oppugnationem praedam militis fore edixisset, capto oppido fidem mutavit.
10 Eam magis adducor ut credam irae causam exercitui
fuisse quam quod in urbe nuper direpta coloniaque nova minus praedicatione tribuni praedae fuerit.
11 Auxit eam iram, postquam ab collegis arcessitus
propter seditiones tribunicias in urbem revertit, audita vox eius in contione stolida ac prope vecors, qua M. Sextio[2] tribuno plebis legem agrariam ferenti, simul Bolas quoque ut mitterentur coloni laturum se dicenti—dignum[3] enim esse qui armis cepissent, eorum urbem agrumque Bolanum esse—"Malum quidem militibus meis" inquit, "nisi quieverint." Quod auditum non contionem magis quam mox
12 patres offendit. Et tribunus plebis, vir acer nec
infacundus, nactus inter adversarios superbum ingenium immodicamque linguam, quam inritando agitandoque in eas impelleret voces quae invidiae non

[1] Regillensi *Sigonius* (*C.I.L.* i¹, *p.* 444, *note*): regiliensi Ω: re giliensi *M*: rei giliensi *M*¹: religiensi *UHA*.
[2] qua M. Sextio *U*² ς: quam sextio Ω: q) Sextio *H*: q. Sextio *E*³.
[3] dignum *Tan. Faber*: dignos Ω.

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Postumius Regillensis. To this last was intrusted the campaign against the Aequi. He was a wrong-headed man, yet he showed it more in the hour of victory than during the campaign. For he was energetic in raising an army and leading it to Bolae, where, after breaking the spirit of the Aequi in some trifling engagements, he finally forced an entrance into the town. He then diverted the quarrel from the enemy to his fellow-citizens; and though he had proclaimed at the time of the attack that the booty should belong to the soldiers, when he had taken the town he broke his promise. This, I am inclined to believe, was the cause of the army's resentment, rather than the fact that in a recently-plundered city inhabited by new settlers, there was less booty than the tribune had predicted. The ill-feeling was increased, when, being sent for by his colleagues on account of tribunician disturbances, he had returned to the City, by a stupid and almost insane remark he was heard to make in an assembly, where Marcus Sextius, a plebeian tribune, in introducing an agrarian measure, announced that he should propose also that colonists be dispatched to Bolae—for it was proper, he said, that the city and lands of the Bolani should belong to those who had captured them in war. "Woe to my soldiers," exclaimed Postumius, "unless they hold their peace!"—a saying which presently, on being reported to the senators, offended them no less than it had the assembly. And the tribune of the plebs, a keen and not uneloquent man, having got for one of his adversaries a man of haughty spirit and unbridled tongue, whom he could irritate and provoke to say things that would not only make himself disliked

A.U.C. 339-340 ipsi tantum sed causae atque universo ordini essent, neminem ex collegio tribunorum militum saepius
13 quam Postumium in disceptationem trahebat. Tum vero secundum tam saevum atque inhumanum dictum "Auditis" inquit, "Quirites, sicut servis malum
14 minantem militibus? Tamen haec belua dignior vobis tanto honore videbitur quam qui vos urbe agrisque donatos in colonias mittunt, qui sedem senectuti vestrae prospiciunt, qui pro vestris commodis adversus tam crudeles superbosque adversarios
15 depugnant? Incipite deinde mirari cur pauci iam vestram suscipiant causam. Quid ut a vobis sperent? An honores, quos adversariis vestris potius quam po-
16 puli Romani propugnatoribus datis? Ingemuistis modo voce huius audita. Quid id refert? Iam si suffragium detur, hunc qui malum vobis minatur iis qui agros sedesque ac fortunas stabilire volunt praeferetis."

A.U.C. 340 L. Perlata haec vox Postumi ad milites multo in castris maiorem indignationem movit: praedaene interceptorem fraudatoremque etiam malum minari
2 militibus? Itaque cum fremitus aperte esset, et quaestor P. Sestius[1] eadem violentia coerceri putaret seditionem posse qua mota erat, misso ad vociferantem quendam militem lictore cum inde clamor et iurgium oreretur, saxo ictus turba excedit, insuper increpante
3 qui volneraverat, habere quaestorem quod imperator

[1] Sestius *Sigonius* (*as at* III. xxxii. 4): sextius (Sexius *H*) Ω.

but his cause and the entire senate as well, made a point of involving Postumius in a dispute more often than any other member of the college of military tribunes. On this particular occasion, after that savage and brutal threat, he cried, "Do you hear him, Quirites, threatening his soldiers with punishment like slaves? Shall this wild beast seem to you, notwithstanding, more deserving of so great an office than those who would present you with a city and with lands, and send you out to colonies; who would provide a home for your old age; who fight for your interests against these cruel and insolent adversaries? And does it surprise you that so few espouse your cause? What are they to expect of you? Those offices which you give by preference to your opponents, rather than to the champions of the Roman People? You groaned just now when you heard his remark. What of it? If you should be asked to vote this very moment, you would elect this man who threatens you with chastisement in preference to those who wish to secure you lands and houses and fortunes." B.C. 415-414

L. When this saying of Postumius reached the troops, it stirred up much greater indignation in the camp: did the man who had fraudulently cut off his soldiers from their spoils also threaten them with punishment? And while they murmured openly, the quaestor Publius Sestius, thinking that the mutiny could be quelled with the same violence which had occasioned it, sent a lictor to arrest a certain brawling soldier; whereupon shouts and objurgations broke forth, and Sestius was hit with a stone and retreated from the scuffle, while the man who had wounded him thundered after him that the quaestor B.C. 414

A.U.C. 340
4 esset militibus minatus. Ad hunc tumultum accitus
Postumius asperiora omnia fecit acerbis quaestionibus,
crudelibus suppliciis. Postremo cum modum irae
nullum faceret, ad vociferationem eorum quos necari
sub crate iusserat concursu facto, ipse ad interpel-
5 lantes[1] poenam vecors de tribunali decurrit. Ibi
cum submoventes passim lictores centurionesque
vexarent turbam, eo indignatio erupit ut tribunus
militum ab exercitu suo lapidibus cooperiretur.
6 Quod tam atrox facinus postquam est Romam nuntia-
tum, tribunis militum de morte collegae per senatum
quaestiones decernentibus tribuni plebis intercede-
7 bant. Sed ea contentio ex certamine alio pendebat,
quod cura incesserat patres ne metu quaestionum
plebs iraque tribunos militum ex plebe crearet, tende-
8 bantque summa ope ut consules crearentur. Cum
senatus consultum fieri tribuni plebis non paterentur,
iidem intercederent consularibus comitiis, res ad
interregnum rediit. Victoria deinde penes patres
fuit.

A.U.C. 341
LI. Q. Fabio Vibulano interrege comitia habente
consules creati sunt A. Cornelius Cossus L. Furius[2]
2 Medullinus. His consulibus principio anni senatus
consultum factum est, ut de quaestione Postumianae
caedis tribuni primo quoque tempore ad plebem

[1] interpellantes *Gronovius*: interpellandis *M*: interpellantis Ω.
[2] L. Furius ς: Furius Ω.

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[1] See the account, in I. li. 9, of the execution of Herdonius. Here water is not mentioned, and the victim was probably placed on the ground and crushed beneath the stones which were heaped upon the hurdle.
[2] Providing for the investigation of the murder of Postumius.

had got what the general had threatened to give his men. B.C. 414 Being summoned to deal with this disturbance, Postumius aggravated everything by his harsh inquisitions and savage punishments. Finally his anger got beyond all bounds, and when the shout of those whom he had ordered to be put to death under a hurdle[1] had caused a crowd to gather, he ran down in a frenzy of passion from his tribunal to those who would have interrupted the execution. There, when the lictors and centurions assailed the mob and tried to drive them back, on this side and on that, resentment ran so high that a military tribune was overwhelmed with a volley of stones from his own soldiers. This dreadful deed having been announced in Rome, the tribunes of the soldiers wished to institute a senatorial inquiry into the death of their colleague, but the plebeian tribunes interposed their vetoes. The dispute was closely connected with another struggle. The senators had become apprehensive lest the plebs, what with their fear of investigations and their indignation, should elect military tribunes from their own class; they therefore used all their efforts to have consuls chosen. Since the plebeian tribunes would not allow the resolution of the senate[2] to go through, and also vetoed the election of consuls, the state reverted to an interregnum. The victory then rested with the senators.

LI. Quintus Fabius Vibulanus, acting as interrex, B.C. 413 held an election, and Aulus Cornelius Cossus and Lucius Furius Medullinus were chosen consuls. In their consulship, early in the year, a senatorial resolution was passed that the tribunes should bring the investigation of Postumius's murder before the plebs at the earliest possible moment, and that the

A.U.C. 341 ferrent plebesque praeficeret quaestioni quem vellet. A plebe consensu[1] consulibus negotium mandatur;
3 qui summa moderatione ac lenitate per paucorum supplicium, quos sibimet ipsos conscisse mortem satis creditum est, transacta re, nequivere tamen consequi,
4 ut non aegerrime id plebs ferret: iacere tam diu inritas actiones quae de suis commodis ferrentur, cum interim de sanguine ac supplicio suo latam legem confestim exerceri et tantam vim habere.
5 Aptissimum tempus fuerat vindicatis seditionibus delenimentum animis Bolani[2] agri divisionem obici, quo facto minuissent desiderium agrariae legis quae possesso[3] per iniuriam agro publico patres pellebat;
6 tunc haec ipsa indignitas angebat animos: non in retinendis modo publicis agris quos vi[4] teneret pertinacem nobilitatem esse, sed ne vacuum quidem agrum nuper ex hostibus captum plebi dividere, mox paucis, ut cetera, futurum praedae.

7 Eodem anno adversus Volscos populantes Hernicorum fines legiones ductae a Furio consule cum hostem ibi non invenissent, Ferentinum, quo magna
8 multitudo Volscorum se contulerat, cepere. Minus praedae quam speraverant fuit, quod Volsci, postquam spes tuendi exigua erat, sublatis rebus nocte

[1] consensu *Crevier*: populi consensu Ω.
[2] Bolani *E*? (IV. xlix. 3): uolani (uolam *A*) Ω.
[3] possesso *A*[2] *or* *A*[3] ς: possessio Ω: posset sio (*or* possit sio) *E*.
[4] quos vi ς: quos ut Ω.

plebs should appoint whomsoever they wished to have charge of the inquiry. The plebs unanimously referred the matter to the consuls. They accomplished their task with the utmost moderation and leniency, punishing a few only,—and these are generally believed to have committed suicide;—yet they were unable to prevent the transaction from being bitterly resented by the plebs, who complained that the measures which had been proposed in their interests lay all this while neglected, whereas the law that was passed concerning their punishment and their lives was carried out at once, and most effectually. It would have been a very suitable occasion, now that the mutiny had been avenged, to appease their anger by offering to divide the Bolan territory. Had the senators done this, they would have lessened men's desire for the agrarian law which was meant to expel the patricians from their wrongful occupation of the public domain. As it was, a sense of injury was aroused by the very circumstance that the nobility not only persisted in retaining the public lands, which they held by force, but would not even divide among the plebeians the unoccupied ground which had recently been taken from the enemy and would soon, they thought, become, like all the rest, the booty of a few. B.C. 413

The same year the Volsci laid waste the borders of the Hernici, and the legions were led out to meet them by the consul Furius. Not finding the enemy there, they captured Ferentinum, to which a great number of Volsci had retired. There was less plunder there than they had expected, because the Volsci, having small hopes of defending the town, removed their possessions by night and abandoned

A.U.C. 341 oppidum reliquerunt; postero die prope desertum capitur. Hernicis ipsum agerque[1] dono datus.

A.U.C. 342–343 LII. Annum modestia tribunorum quietum excepit tribunus plebis L. Icilius[2] Q. Fabio Ambusto
2 C. Furio Paculo[3] consulibus. Is cum principio statim anni, velut pensum nominis familiaeque,
3 seditiones agrariis legibus promulgandis cieret, pestilentia coorta, minacior tamen quam perniciosior, cogitationes hominum a foro certaminibusque publicis ad domum curamque corporum nutriendorum avertit; minusque eam damnosam fuisse, quam
4 seditio futura fuerit credunt. Defuncta civitate plurimorum morbis, perpaucis funeribus, pestilentem annum inopia frugum neglecto cultu agrorum, ut plerumque fit, excepit, M. Papirio Atratino C. Nautio
5 Rutulo[4] consulibus. Iam fames quam pestilentia tristior erat, ni dimissis circa omnes populos legatis qui Etruscum mare quique Tiberim accolunt ad frumentum mercandum, annonae foret subventum.
6 Superbe ab Samnitibus qui Capuam habebant Cumasque legati prohibiti commercio sunt, contra ea benigne ab Siculorum tyrannis adiuti; maximos commeatus summo Etruriae studio Tiberis devexit.
7 Solitudinem in civitate aegra experti consules sunt, cum in legationes non plus singulis senatoribus

[1] ipsum agerque *Weissenborn*: ipse agerque *M*: ipse ager Ω.
[2] L. Icilius ς: lucilius Ω: icilius *U*: lucius *E*.
[3] Paculo *Conway* (*cf. chap.* xii. § 1): Pacilo *Sigonius*: pactilo Ω: pactilio *MU*: patilo *A*: paculio *A*² (*or A*³).
[4] Rutulo *cf. chap.* xlvii. § 8: rutilio Ω: rutulio *PFB*.

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[1] Livy probably has Dionysius I. in mind; though in reality it was several years later when he became tyrant of Syracuse.

it; next day, when it was taken, it was practically deserted. The town itself and its territory were given to the Hernici. B.C. 413

LII. After this year, which the moderation of the tribunes had made a quiet one, came the plebeian tribuneship of Lucius Icilius, when Quintus Fabius Ambustus and Gaius Furius Paculus were consuls. While Icilius, at the very outset of the year, was endeavouring to stir up sedition by the promulgation of agrarian laws, as if it had been the appointed task of his name and family, a pestilence broke out, which, though it was more threatening than fatal, diverted men's thoughts from the Forum and political conflicts to their homes and the care of the sick, and is thought to have been less hurtful than the sedition would have been. The state had escaped with very few deaths, considering the great number of those who had fallen ill, when the year of pestilence was succeeded, in the consulship of Marcus Papirius Atratinus and Gaius Nautius Rutulus, by a scarcity of corn, owing to the neglect of tillage usual at such times. Indeed the famine would have been more baneful than the disease, had they not supplemented the supply of corn by dispatching emissaries to all the peoples round about who dwelt on the Tuscan sea or by the Tiber, to purchase it. The Samnites who held Capua and Cumae insolently refused to permit the envoys to trade with them, but the Sicilian tyrants,[1] on the contrary, lent them generous assistance; and the largest supplies of all were brought down the Tiber, with the hearty goodwill of the Etruscans. The consuls experienced a lack of men in the afflicted City, and, being unable to find more than one senator for an embassy, were obliged to add B.C. 412–411

A.U.C. 342–343 invenientes coacti sunt binos equites adicere.
8 Praeterquam ab morbo annonaque nihil eo biennio intestini externive incommodi fuit. At ubi eae sollicitudines discessere, omnia quibus turbari solita erat civitas, domi discordia, foris bellum exortum.

A.U.C. 344 LIII. M. Aemilio C. Valerio Potito consulibus bellum Aequi parabant, Volscis, quamquam non publico consilio capessentibus arma, voluntariis mercede
2 secutis militiam. Ad quorum famam hostium—iam enim in Latinum Hernicumque transcenderant agrum —dilectum habentem Valerium consulem M. Menenius tribunus plebis, legis agrariae lator, cum impediret auxilioque tribuni nemo invitus sacramento
3 diceret, repente nuntiatur arcem Carventanam ab
4 hostibus occupatam esse. Ea ignominia accepta cum apud patres invidiae Menenio fuit, tum ceteris tribunis, iam ante praeparatis intercessoribus legis agrariae, praebuit iustiorem causam resistendi col-
5 legae. Itaque cum res diu ducta per altercationem esset, consulibus deos hominesque testantibus quidquid ab hostibus cladis ignominiaeque aut iam acceptum esset aut immineret culpam penes Menenium fore,
6 qui dilectum impediret, Menenio contra vociferante, si iniusti domini possessione agri publici cederent,
7 se moram dilectui non facere, decreto interposito novem tribuni sustulerunt certamen pronuntiave-

two knights to each. With the exception of the disease and the shortage of corn, there was no internal or foreign trouble during these two years. But no sooner had these anxieties departed, than there came an outbreak of all the ills which were wont to harass the state, domestic quarrels and war abroad. B.C. 412–411

LIII. In the consulship of Marcus Aemilius and Gaius Valerius Potitus the Aequi prepared to go to war, and the Volsci, though they did not take up arms as a nation, made the campaign as volunteers serving for pay. When, on the rumour of their advance,—for they had already crossed over into Latin and Hernican territory,—Valerius the consul was raising troops, and Marcus Menenius, tribune of the plebs and proposer of an agrarian law, was obstructing the levy, and everybody who did not wish to go was availing himself of the tribune's protection and refusing the oath, on a sudden came the news that the citadel of Carventum had been seized by the enemy. This humiliation not only gave the patricians the means of stirring up feeling against Menenius, but supplied the rest of the tribunes, who had already been persuaded to veto the agrarian law, with a more justifiable pretext for resisting their colleague. The dispute was long drawn out. The consuls called gods and men to witness that the responsibility for whatever defeat or disgrace had already been or threatened to be visited on them by the enemy would rest with Menenius, because of his interference with the levy; Menenius, on the other hand, protested loudly that if the occupants of the public domain would surrender their illegal possession of it, he was prepared to withdraw his opposition to the muster. At this juncture nine tribunes interposed a resolution B.C. 410

A.U.C. 344 runtque ex collegii sententia C. Valerio consuli se,
damnum aliamque coercitionem adversus interces-
sionem collegae dilectus causa detractantibus mili-
8 tiam inhibenti, auxilio futuros esse. Hoc decreto
consul armatus cum paucis appellantibus tribunum
collum torsisset, metu ceteri sacramento dixere.
9 Ductus exercitus ad Carventanam arcem, quamquam
invisus infestusque consuli erat, impigre primo
statim adventu deiectis qui in praesidio erant arcem
recipit; praedatores ex praesidio per neglegentiam
10 dilapsi occasionem aperuere ad invadendum. Prae-
dae ex adsiduis populationibus, quod omnia in locum
tutum congesta erant, fuit aliquantum. Venditum sub
hasta consul in aerarium redigere quaestores iussit,
tum praedicans participem praedae fore exercitum,
11 cum militiam non abnuisset. Auctae inde plebis
ac militum in consulem irae. Itaque cum ex senatus
consulto urbem ovans introiret, alternis inconditi
versus militari licentia iactati, quibus consul in-
12 crepitus, Meneni celebre nomen laudibus fuit, cum
ad omnem mentionem tribuni favor circumstantis
populi plausuque et adsensu cum vocibus militum
13 certaret. Plusque ea res quam prope sollemnis
militum lascivia in consulem curae patribus iniecit;
et tamquam haud dubius inter tribunos militum

which ended the contention. They proclaimed in the name of the college that they would support the consul Gaius Valerius if, in enforcing the levy, he resorted, despite the veto of their colleague, to fines and other forms of coercion against those who refused to serve. Armed with this decree, the consul caused the few who appealed to the tribune to be haled before him; the rest were cowed into taking the oath. The army marched to the citadel of Carventum; and although the soldiers were hated by the consul and returned his hostility, yet the moment they came to the place, they manfully drove out the garrison and recovered the stronghold, which had been laid open to attack by the negligence that had permitted men to slip away from the garrison in quest of booty. There was a considerable accumulation of spoils from this constant raiding, because everything had been heaped up there for safety. All this the consul ordered the quaestors to sell at auction and place the proceeds in the public treasury, giving out word that the army should share in the plunder only when the men had not refused to serve. This increased the enmity of plebs and soldiers towards the consul. And so when he entered the City in an ovation, as the senate had decreed, the soldiers, with military freedom, shouted out rude verses now abusing the consul and now praising Menenius, while at every mention of the tribune's name the enthusiasm of the attendant populace vied with the voices of the men in cheers and applause. This circumstance caused the patricians more anxiety than the sauciness of the soldiers towards the consul, which was virtually an established custom; and as though they made no question that Menenius would be chosen for one of the military tribunes, if he were B.C. 410

A.U.C. 344 honos Meneni, si peteret, consularibus comitiis est
exclusus.

A.U.C. 345 LIV. Creati consules sunt Cn. Cornelius Cossus
2 L. Furius Medullinus iterum. Non alias aegrius
plebs tulit tribunicia comitia sibi non commissa.
Eum dolorem quaestoriis comitiis simul ostendit
et ulta est tunc primum plebeiis quaestoribus creatis,
3 ita ut in quattuor creandis uni patricio K. Fabio[1]
Ambusto relinqueretur locus, tres plebei Q. Silius P.
Aelius P. Pupius clarissimarum familiarum iuvenibus
4 praeferrentur. Auctores fuisse tam liberi populo suf-
fragii Icilios accipio, ex familia infestissima patribus
tres in eum annum tribunos plebis creatos, multarum
magnarumque rerum molem avidissimo ad ea populo
5 ostentantes, cum adfirmassent nihil se moturos si
ne quaestoriis quidem comitiis, quae sola promiscua
plebei patribusque reliquisset senatus, satis animi
populo esset ad id quod tam diu vellent et per
6 leges liceret. Pro ingenti itaque victoria id fuit
plebi, quaesturamque eam non honoris ipsius fine
aestimabant, sed patefactus ad consulatum ac trium-
7 phos locus novis hominibus videbatur. Patres contra
non pro communicatis sed pro amissis honoribus

[1] K. Fabio *Pighius* (*cf.* IV. lxi. 4; v. x. 1; v. xxiv. 1): c. fabio Ω: claudio fabio *E.*

a candidate, they held a consular election and so excluded him. B.C. 410

LIV. The consuls elected were Gnaeus Cornelius Cossus and (for the second time) Lucius Furius Medullinus. Never before had the plebs felt so aggrieved that they were not allowed to choose military tribunes. They showed their disappointment, and likewise avenged it, at the election of quaestors, when plebeians were for the first time chosen to that office; though among the four to be elected room was made for one patrician, Caeso Fabius Ambustus. Three plebeians, Quintus Silius, Publius Aelius, and Publius Pupius, were preferred before young men of the most distinguished families. I find that those who encouraged the people to make so free with their votes were the Icilii. Three members of that family, a family most hostile to the patricians, had been made plebeian tribunes for that year, in consequence of the many great hopes they had held out to the populace, always more than eager to accept such promises. These men had declared that they would make no move in their behalf, if even in the election of quaestors—the only election which the senate had left open to both classes—the people could not find sufficient resolution to accomplish what they had so long wished to do and the laws permitted. And so the plebs felt that they had won a great victory, not estimating the significance of that quaestorship by the limits of the office itself, but feeling that the way to consulships and triumphs was thrown open to new men. The patricians, on the other hand, were as angry as though they had not merely shared their offices with the plebs but had lost them. They said that if such B.C. 409

A.U.C. 345 fremere; negare, si ea ita sint, liberos tollendos esse, qui pulsi maiorum loco cernentesque alios in possessione dignitatis suae, salii flaminesque nusquam alio quam ad sacrificandum pro populo sine imperiis
8 ac potestatibus relinquantur. Inritatis utriusque partis animis cum et spiritus plebs sumpsisset et tres ad popularem causam celeberrimi nominis haberet duces, patres omnia quaestoriis comitiis ubi utrumque plebi liceret similia fore cernentes, tendere ad consulum comitia quae nondum promiscua essent:
9 Icilii contra tribunos militum creandos dicere[1] et tandem aliquando impertiendos plebi honores.

LV. Sed nulla erat consularis actio quam impediendo id quod petebant exprimerent, cum mira opportunitate Volscos et Aequos praedatum extra fines exisse in agrum Latinum Hernicumque adfertur.
2 Ad quod bellum ubi ex senatus consulto consules dilectum habere occipiunt, obstare tunc enixe tribuni sibi plebique eam fortunam oblatam memorantes.
3 Tres erant et omnes acerrimi viri generosique iam, ut inter plebeios. Duo singuli singulos sibi consules adservandos adsidua opera desumunt; uni contionibus data nunc detinenda, nunc concienda plebs.

[1] dicere *Aldus*: dicerent Ω.

[1] The *salii* were a very ancient college of priests whose name was derived from a weapon-dance which figured in their ritual. The *flamen* ('kindler') was the special priest of some god, thus the *Flamen Dialis* was attached to the cult of Jupiter, the *Flamen Martialis* to that of Mars, etc.

things were to be, it was wrong for them to rear children, who after being driven out from the places of their forefathers would behold others in possession of their honours, and would be left, without power or authority, to serve no other purpose than to offer up sacrifices, as salii and flamens,[1] for the people. The feelings of both sides were overwrought. The plebs had plucked up courage and they had three very distinguished leaders for the popular cause. The patricians, perceiving that every election where the plebs were free to choose either sort of candidate would be like that of the quaestors, strove to bring about a consular election, which was not yet open to both orders. The Icilii, on the contrary, maintained that military tribunes should be chosen; it was high time, they said, that the plebs were given their share of honours. B.C. 409

LV. But the consuls had no measure on foot which the tribunes could oppose and so wring from them what they wanted, when, by a wonderful piece of luck, the Volsci and Aequi were reported to have crossed the border and raided the lands of the Latins and the Hernici. As the consuls, in order to meet this invasion, were commencing to raise an army, in pursuance of a resolution of the senate, the tribunes obstructed the levy with all their might, declaring that the incident had been a fortunate one for the plebeians and themselves. There were three of them, and they were all very active and belonged to a family which might now be called noble, considering that they were plebeians. Two of them assumed the task of keeping constant watch on the consuls, each taking one of them; to the third was given the duty of haranguing the plebs, for the purpose, now of re-

A.U.C. 345

4 Nec dilectum consules nec comitia quae petebant tribuni expediebant. Inclinante deinde se fortuna ad causam plebis nuntii veniunt arcem Carventanam dilapsis ad praedam militibus qui in praesidio erant, Aequos interfectis paucis custodibus arcis invasisse; alios recurrentes in arcem, alios palantes in agris
5 caesos. Ea adversa civitati[1] res vires tribuniciae actioni adiecit. Nequiquam enim temptati ut tum denique desisterent impediendo bello, postquam non cessere nec publicae tempestati nec suae invidiae, pervincunt ut senatus consultum fiat de tribunis
6 militum creandis, certo tamen pacto ne cuius ratio haberetur qui eo anno tribunus plebis esset, neve
7 quis reficeretur in annum tribunus plebis, haud dubie Icilios denotante senatu, quos mercedem seditiosi tribunatus petere consulatum insimulabant. Tum dilectus haberi bellumque omnium ordinum consensu
8 apparari coeptum. Consules ambo profecti sint ad arcem Carventanam, an alter ad comitia habenda substiterit, incertum diversi auctores faciunt; illa pro certo habenda, in quibus non dissentiunt, ab arce Carventana, cum diu nequiquam oppugnata esset, recessum, Verruginem in Volscis eodem exer-

[1] civitati $D^4\varsigma$: ciuitatis Ω: ciuitas *D*?.

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[1] Livy here employs "consulship" as a convenient, if not quite accurate, substitute for "consular tribuneship."

[2] See IV. i. 4. Livy has not mentioned the previous loss of Verrugo to the Volsci.

straining, now of urging them on. The consuls could neither bring about the levy, nor the tribunes the election, they desired. Then, as fortune was inclining to the cause of the plebs, came couriers who reported that while the soldiers who were in garrison at the citadel of Carventum had dispersed to plunder, the Aequi had come, and killing the few guards, had rushed the place. Some of the soldiers had been cut down as they were hurrying back to the fortress, others as they roamed the fields. This national reverse added strength to the contention of the tribunes. It was in vain they were importuned to cease at last their opposition to the war. They yielded neither to the public need nor to men's hatred of themselves, and carried their point—that the senate should pass a decree for the election of military tribunes. It was, however, expressly provided that no one should be accepted as a candidate who had that year been tribune of the plebs, and that no tribune of the Plebs should be re-elected. It is evident that the senate wished to stigmatize the Icilii, whom they charged with seeking the consulship[1] as a reward for their seditious conduct while tribunes. The levy was then begun and preparation made for war, with the consent of all the orders. Whether both consuls marched to the citadel of Carventum, or one stayed behind to hold an election, is uncertain in view of the contradictory accounts of the authorities. Thus much is clear (for in this they do not differ), that the Romans, after a long and futile siege, retired from the citadel of Carventum and recaptured Verrugo,[2] in the Volscian country, with the same army, which spread great B.C. 409

A.U.C. 345 citu receptam, populationesque et praedas et in Aequis et in Volsco agro ingentes factas.

A.U.C. 346 LVI. Romae sicut plebis victoria fuit in eo ut quae mallent comitia haberent, ita eventu comitiorum
2 patres vicere; namque tribuni militum consulari potestate contra spem omnium tres patricii creati sunt, C. Iulius Iulus[1] P. Cornelius Cossus C. Servilius
3 Ahala. Artem adhibitam ferunt a patriciis, cuius eos Icilii tum quoque insimulabant, quod turbam indignorum candidatorum intermiscendo dignis taedio sordium in quibusdam insignium populum a plebeiis avertissent.

4 Volscos deinde et Aequos, seu Carventana arx retenta in spem seu Verrugine amissum praesidium ad iram cum impulisset, fama adfertur summa vi ad
5 bellum coortos; caput rerum Antiates esse; eorum legatos utriusque gentis populos circumisse castigantes[2] ignaviam, quod abditi intra muros populabundos in agris vagari Romanos priore anno et
6 opprimi Verruginis praesidium passi essent. Iam non exercitus modo armatos sed colonias etiam in suos finis mitti; nec ipsos modo Romanos sua divisa habere, sed Ferentinum etiam de se captum Her-
7 nicis donasse. Ad haec cum inflammarentur animi, ut ad quosque ventum erat, numerus iuniorum conscribebatur. Ita omnium populorum iuventus Antium contracta; ibi castris positis hostem opperiebantur.

[1] Iulus *Sigonius* (*C.I.L.* i², *p.* 114): tullius *MHDL*: tullus *PFUBEa*: *omitted, together with the following* P., *by V.*
[2] castigantes *aς*: castigantis *V*: castigantesque Ω.

devastation both among the Aequi and in the territory of the Volsci, and gathered enormous spoils. B.C. 409

LVI. At Rome, though the plebeians were so far victorious as to have the election they preferred, yet in the outcome of the election the patricians won the day. For the military tribunes with consular authority were all three, contrary to the universal expectation, chosen from the patricians, viz., Gaius Julius Iulus, Publius Cornelius Cossus, and Gaius Servilius Ahala. The patricians are said to have employed a ruse (and the Icilii taxed them with it at the time), in that they mixed a rabble of unworthy competitors with the deserving, and the disgust which the notorious turpitude of certain of them provoked turned the people against the plebeian candidates. B.C. 408

Then came a rumour that the Volsci and Aequi, whether encouraged by their defence of the citadel of Carventum or angered by the loss of the garrison at Verrugo, had risen in prodigious strength; that the Antiates were the head and front of the war; that their envoys had gone about among the tribes of both races, upbraiding their cowardice in having hidden behind their walls the year before and allowed the Romans to pillage their lands and overwhelm the garrison at Verrugo. They would presently be sending out, not merely armed expeditions across their borders, but colonies too; and not only, they said, had the Romans divided up their possessions amongst themselves, but they had even taken Ferentinum from them and bestowed it on the Hernici. These words aroused indignation, and a number of young men were enlisted wherever the envoys went. So the forces of all the tribes drew together at Antium, where they encamped and waited for the enemy.

A.U.C. 346
8 Quae ubi tumultu maiore etiam quam res erat
nuntiantur Romam, senatus extemplo, quod in rebus
trepidis ultimum consilium erat, dictatorem dici
9 iussit. Quam rem aegre passos Iulium Corneli-
umque ferunt magnoque certamine animorum rem
10 actam, cum primores patrum nequiquam conquesti
non esse in auctoritate senatus tribunos militum
postremo etiam tribunos plebi appellarent et con-
sulibus quoque ab ea potestate vim super tali re
inhibitam referrent, tribuni plebi laeti discordia
11 patrum nihil esse in se iis[1] auxilii dicerent, quibus
non civium, non denique hominum numero essent:
12 si quando promiscui[2] honores, communicata res
publica esset, tum se animadversuros ne qua superbia
13 magistratuum inrita senatus consulta essent: interim
patricii soluti legum magistratuumque viverent[3]
verecundia, per se quoque[4] tribuni[5] agerent.

A.U.C. 347
LVII. Haec contentio minime idoneo tempore,
2 cum tantum belli in manibus esset, occupaverat
cogitationes hominum, donec ubi diu alternis Iulius
Corneliusque cum ad id bellum ipsi satis idonei
duces essent, non esse aequum mandatum sibi a
3 populo eripi honorem disseruere, tum Ahala Servilius
tribunus militum tacuisse se tam diu ait, non quia
incertus sententiae fuerit—quem enim bonum civem
secernere sua a publicis consilia?—sed quia maluerit

[1] in se iis *Gronovius*: in iis Ω: in hiis *Va*: in his *UE*: unus *B*.

[2] promiscui *VUEL³a*: promiscii *P*: promisci Ω.

[3] viverent *Conway and Walters*: uia... *V*: *omitted by* Ω.

[4] per se quoque Ω: pro se quoque *H*: *space of 5 letters in V*.

[5] tribuni *Conway and Walters*: tribuni tum potestatem *H*: tribuniciam (*or* -tiam) potestatem Ω: tribunitiam potestatemque *Frag. Haverk.*: potestatemquae tribuniciam *V*.

When these things had been reported at Rome, amid excitement even greater than the situation warranted, the senate at once had recourse to its final counsel in emergencies, and ordered the appointment of a dictator. It is said that Julius and Cornelius resented this, and that a very bitter discussion took place. In vain the leading senators complained that the military tribunes were not amenable to senatorial control, and eventually appealed to the tribunes of the plebs and reminded them that their authority had in a similar case operated to restrain the consuls. But the tribunes of the plebs were delighted with the want of harmony amongst the senators. They could give no assistance, they said, to men who did not regard them as citizens, or even as human beings. If some day offices were thrown open to all, and they were given a share in the government, they would then see to it that no proud magistrate thwarted the decrees of the senate. Meanwhile let the patricians live with no regard for laws and magistracies, and let the tribunes act as they saw fit. B.C. 408

LVII. This quarrel, so inopportune at a time when a great war was in hand, had quite taken possession of men's thoughts, and for a long time Julius and Cornelius—first one and then the other—had argued that, since they were themselves quite capable of directing that campaign, it was unfair that they should be summarily deprived of the office which the people had intrusted to them; when Servilius Ahala arose and said that he had been so long silent not because of any doubt as to his opinion—for what good citizen considered his own interests apart from those of the nation?—but because he had B.C. 407

A.U.C. 347
collegas sua sponte cedere auctoritati senatus quam
tribuniciam potestatem adversus se implorari pate-
4 rentur. Tum quoque si res sineret, libenter se
daturum tempus iis fuisse ad receptum nimis perti-
nacis sententiae; sed cum belli necessitates non
exspectent humana consilia, potiorem sibi collegarum
5 gratia rem publicam fore, et si maneat in sententia
senatus, dictatorem nocte proxima dicturum ac, si
quis intercedat senatus consulto, auctoritate se fore
6 contentum. Quo facto cum haud immeritam laudem
gratiamque apud omnis tulisset, dictatore P. Cornelio
dicto ipse ab eo magister equitum creatus[1] ex-
emplo fuit collegas eumque intuentibus, quam gratia
atque honos opportuniora interdum non cupien-
7 tibus essent. Bellum haud memorabile fuit. Uno
atque eo facili proelio caesi ad Antium hostes; victor
exercitus depopulatus Volscum agrum; castellum ad
lacum Fucinum vi expugnatum, atque in eo tria
milia hominum capta ceteris Volscis intra moenia
8 compulsis nec defendentibus agros. Dictator bello
ita gesto ut tantum non defuisse fortunae videretur,
felicitate quam gloria maior in urbem rediit magis-
9 tratuque se abdicavit. Tribuni militum mentione
nulla comitiorum consularium habita—credo ob iram
dictatoris creati—tribunorum militum comitia edixe-
10 runt. Tum vero gravior cura patribus incessit, quippe

[1] creatus $D^x\varsigma$: creatus est Ω: creatus et U: est creatus a.

wished that his colleagues should of their own free will give in to the senators' authority, instead of suffering the power of the tribunes to be invoked against them. Even then, if the circumstances allowed of it, he would gladly, he said, have given them time to retreat from their too obstinate contention; but since war's necessity did not wait upon man's deliberations, he should place the public welfare above the favour of his colleagues; and if the senate held to its opinion, he should name a dictator that night, contenting himself, if any one vetoed the senate's resolution, with the expression of its wishes. Having by this course gained the well-merited praise and friendly support of all, he named as dictator Publius Cornelius, by whom he was himself appointed master of the horse, thus showing such persons as considered the case of his colleagues and himself that favour and high office sometimes come more easily when men do not covet them. The war was no way noteworthy. In a single battle, and an easy one, they defeated the enemy at Antium. The victorious army laid waste the Volscian country and took by storm a fortress at Lake Fucinus, where three thousand men were taken prisoners, the rest being driven within their city-walls, leaving their fields defenceless. The dictator, after so conducting the campaign that he seemed barely to have taken advantage of his luck, returned to the City, with more good fortune than renown, and resigned his magistracy. The tribunes of the soldiers, without saying a word about electing consuls, —I suppose because of their indignation at the appointment of a dictator,—proclaimed an election of military tribunes. At that the patricians were B.C. 407

A.U.C. 347 11 cum prodi causam ab suis cernerent. Itaque sicut priore anno per indignissimos ex plebeiis candidatos omnium, etiam dignorum, taedium fecerant, sic tum primoribus patrum splendore gratiaque ad petendum praeparatis omnia loca obtinuere, ne cui plebeio
12 aditus esset. Quattuor creati sunt, omnes iam functi eo honore, L. Furius Medullinus C. Valerius Potitus Num.[1] Fabius Vibulanus C. Servilius Ahala, hic refectus continuato honore cum ob alias virtutes, tum ob recentem favorem unica moderatione partum.

A.U.C. 348 LVIII. Eo anno, quia tempus indutiarum cum Veienti populo exierat, per legatos fetialesque res repeti coeptae. Quibus venientibus ad finem legatio
2 Veientium obvia[2] fuit. Petiere ne priusquam ipsi senatum Romanum adissent Veios iretur. Ab senatu impetratum, quia discordia intestina laborarent Veientes, ne res ab iis repeterentur; tantum afuit ut ex incommodo alieno sua occasio peteretur.
3 Et in Volscis accepta clades amisso Verrugine praesidio; ubi tantum in tempore fuit momenti ut cum precantibus opem militibus, qui ibi a Volscis obsidebantur, succurri si maturatum esset potuisset,

[1] Num. *Sigonius* (*C.I.L.* i², *p.* 114 *has* N. Fabius): cn (*or* cñ *or* c n) Ω.
[2] obvia *ας*: obuiam Ω: obuia. (*with space for one letter, which has been obliterated*) *V*.

more concerned than ever, as they might well be B.C. 407
when they saw their cause betrayed by their own fellows. Accordingly, just as in the preceding year they had used the least worthy of the plebeian competitors to arouse a dislike of them all, even the deserving, so at this time, by setting up as candidates the senators of the greatest splendour and popularity, they secured all the places, in order that no plebeian might be chosen. Four men were elected, all of whom had held that office before. They were Lucius Furius Medullinus, Gaius Valerius Potitus, Numerius Fabius Vibulanus, and Gaius Servilius Ahala. This last was continued in office partly for his other good qualities, partly because of the approval he had just gained by his singular moderation.

LVIII. In that year, since the term of the truce B.C. 406
with Veii had run out, steps were taken to demand restitution, through ambassadors and fetials. Arriving at the frontier, these men were met by an embassy of the Veientes, who asked them not to proceed to Veii until they themselves should have gone before the Roman senate. The senate, considering that the Veientes were in the throes of civil discord, agreed not to demand a settlement of them; so far were they from taking advantage of another people's difficulties. And in the Volscian country the Romans suffered a disaster, in the loss of their garrison at Verrugo. On that occasion the element of time was of such moment that, although the troops who were being besieged there by the Volsci appealed for help and might have been relieved if their friends had made haste, yet the army dispatched for that purpose only arrived in season to surprise

A.U.C. 348 ad id venerit exercitus subsidio missus ut ab recenti
caede palati ad praedandum hostes opprimerentur.
4 Tarditatis causa non in senatu[1] magis fuit quam
tribunis, qui, quia summa vi restari nuntiabatur,[2]
parum cogitaverunt nulla virtute superari humanarum
5 virium modum. Fortissimi milites non tamen nec
vivi nec post mortem inulti fuere.

6 Insequenti anno P. et Cn. Corneliis Cossis Num.[3]
Fabio Ambusto L. Valerio Potito tribunis militum
consulari potestate Veiens bellum motum ob super-
bum responsum Veientis senatus, qui legatis
7 repetentibus res, ni facesserent propere urbe
finibusque, daturos quod Lars Tolumnius dedisset
8 responderi iussit. Id patres aegre passi decrevere
ut tribuni militum de bello indicendo Veientibus
9 primo quoque die ad populum ferrent. Quod ubi
primo promulgatum est, fremere iuventus nondum
debellatum cum Volscis esse; modo duo praesidia
occidione occisa, cetera cum[4] periculo retineri; nullum
10 annum esse quo non acie dimicetur; et tamquam
paeniteat laboris, novum bellum cum finitimo populo
et potentissimo parari qui omnem Etruriam sit conci-
taturus.

11 Haec sua sponte agitata insuper tribuni plebis
12 accendunt. Maximum bellum patribus cum plebe
esse dictitant; eam de industria vexandam militia

[1] non in senatu *Weissenborn*: in senatu Ω: in senatum *DL*.

[2] restari nuntiabatur *Mommsen*: restari nuntiabantur (*or* nunc-) Ω: res stare nunciabantur *D*²: resistere nuntiabantur *a*.

[3] Num *Sigonius*: cn. Ω: Gneo *a*: cum *F*³ (*over erasure*).

[4] cetera cum *Schenkl*: et cum *VMa*: . cum *OED*: cum Ω: alia cum *Madvig*.

the enemy as they were dispersed in quest of booty, just after putting the garrison to the sword. The delay was due quite as much to the tribunes as to the senate, for they got reports that the garrison was making a strenuous resistance and failed to consider that no valour can transcend the limits of human endurance. But the heroic soldiers were not unavenged, living or dead. B.C. 406

The following year, when Publius and Gnaeus Cornelius Cossus, Numerius Fabius Ambustus, and Lucius Valerius Potitus were consular tribunes, war broke out with Veii on account of the insolent reply of the Veientine senate, who, when envoys demanded restitution of them, bade them be answered that unless they got quickly out from their city and their borders, they would give them what Lars Tolumnius had given the others.[1] This angered the Fathers, and they decreed that the military tribunes should propose to the people a declaration of war on the Veientes at the earliest possible day. As soon as this was promulgated, the young men protested loudly that the Volscian war was not yet brought to a conclusion; two garrisons had just been destroyed, and the other outposts were being held at great risk; not a year went by without a pitched battle; and as though they had not troubles enough, a new war was being started with a neighbouring and very powerful people, who were sure to raise all Etruria against them.

This smouldering discontent was fanned into a blaze by the plebeian tribunes. They persistently declared that it was the plebs with whom the senators were chiefly at war; them they deliberately plagued with campaigning and exposed to be

[1] *i. e.* death (see chap. xvii).

A.U.C. 348

trucidandamque hostibus obici; eam procul urbe haberi atque ablegari, ne domi per otium memor libertatis coloniarumque aut agri publici aut suffragii
13 libere ferendi consilia agitet. Prensantesque veteranos stipendia cuiusque et volnera ac cicatrices numerabant, quid iam integri esset[1] in corpore loci ad nova volnera accipienda, quid super sanguinis,
14 quod dari pro re publica posset rogitantes. Haec cum in sermonibus contionibusque interdum agitantes avertissent plebem ab suscipiendo bello, profertur tempus ferundae legis quam si subiecta invidiae esset antiquari apparebat.

LIX. Interim tribunos militum in Volscum agrum ducere exercitum placuit; Cn. Cornelius unus Romae
2 relictus. Tres tribuni, postquam nullo loco castra Volscorum esse nec commissuros se proelio apparuit,
3 tripertito ad devastandos fines discessere. Valerius Antium petit, Cornelius Ecetras;[2] quacumque incessere, late populati sunt tecta agrosque, ut distinerent Volscos; Fabius, quod maxime petebatur, ad Anxur[3] oppugnandum sine ulla populatione
4 accessit. Anxur[4] fuit, quae nunc Tarracinae sunt,
5 urbs prona in paludes. Ab ea parte Fabius oppugnationem ostendit. Circummissae quattuor

[1] esset ς: esse Ω.

[2] Ecetras ς: ecetram a^{2}: egitras *PFUBL*^{2}: egitrans *Ma*: et girus *H*: et giras *OEL*: alteras et *V*.

[3] ad Anxur ς: ad ancxyr *HDL*: ad ancxir *OE*: ad anxyr *D*^{2}: ad anxir *P*^{2}*FUa*: ad ancxy *M*: ad anxi *P*: ad anxie *B*: *wanting in V*.

[4] Anxur ς: anxyr *MD*^{2}: ancxyr *HD*: ancxir *OELa*: anxir *B*: anxii *PFU*: anxis *V*.

slaughtered by the enemy; them they kept at a distance from the City, and assigned to foreign service, lest they might have thoughts, if they remained peaceably at home, of liberty and colonies, and might agitate for public lands or the free use of their votes. And laying hold of veteran soldiers, they enumerated the campaigns of each and his wounds and scars; asking where one could now find a whole place on their bodies to receive fresh wounds, or what blood they had left to shed for their country. When the tribunes by repeating these arguments in their talk and in their speeches had produced in the plebs a reluctance to undertake the war, the authors of the bill put off the time for voting on it, since it was clear that if subjected to the storm of disapproval it would fail to pass. B.C. 406

LIX. Meantime it was determined that the military tribunes should lead the army into the country of the Volsci; only Gnaeus Cornelius was left in Rome. The three tribunes, on its appearing that the Volsci had no camp anywhere and did not propose to risk a battle, divided their army into three and advanced in different directions to lay waste the country. Valerius marched upon Antium, Cornelius against Ecetrae, and wherever they went they plundered farms and buildings far and wide, to divide the forces of the Volsci; Fabius led his troops to Anxur, the principal object of their attack, and laid siege to it, without doing any pillaging. Anxur, the Tarracinae of our day,[1] was a city which sloped down towards the marshes. On this side Fabius threatened an assault, while four cohorts

[1] Anxur was likely the Volscian name. The present form of the name is Terracina.

A.U.C. 348
cohortes cum C. Servilio Ahala cum imminentem
urbi collem cepissent, ex loco altiore, qua nullum
erat praesidium, ingenti clamore ac tumultu moenia
6 invasere. Ad quem tumultum obstupefacti qui
adversus Fabium urbem infimam tuebantur locum
dedere scalas admovendi; plenaque hostium cuncta
erant, et immitis diu caedes pariter fugientium ac
resistentium, armatorum atque inermium fuit.
7 Cogebantur itaque victi, quia cedentibus spei nihil
erat, pugnam inire, cum pronuntiatum repente, ne
quis praeter armatos[1] violaretur, reliquam omnem
8 multitudinem voluntariam exuit armis; quorum ad
duo milia et quingenti vivi capiuntur. A cetera praeda
Fabius militem abstinuit, donec collegae venirent,
9 ab illis quoque exercitibus captum Anxur dictitans
esse, qui ceteros Volscos a praesidio eius loci
10 avertissent. Qui ubi venerunt, oppidum vetere
fortuna opulentum tres exercitus diripuere; eaque
primum benignitas imperatorum plebem patribus
11 conciliavit. Additum deinde omnium maxime
tempestivo principum in multitudinem[2] munere, ut
ante mentionem ullam plebis tribunorumve decerneret senatus ut stipendium miles de publico acciperet, cum ante id tempus de suo quisque functus eo munere esset.

LX. Nihil acceptum unquam a plebe tanto gaudio

[1] armatos *a*ς: armatus Ω.
[2] in multitudinem L^4u^3 *Rhenanus*: in multitudine Ω.

marched round under Gaius Servilius Ahala, and seizing the hill which overhangs the city, assailed the walls from this superior position, where there was no force to oppose them, with great noise and confusion. Hearing the din, the soldiers who were defending the lowest part of the town against Fabius were bewildered, and permitted him to bring up scaling-ladders; and soon the whole place was alive with enemies, who for a long time gave no quarter, slaughtering without distinction those who fled and those who resisted, the armed and the unarmed. And so the vanquished, since they could hope for no mercy if they yielded, were compelled to fight; when suddenly the command was given that none should be hurt but those who carried weapons. Thereupon, all the survivors voluntarily laid down their arms, and about twenty-five hundred of them were taken alive. Fabius made his soldiers leave the rest of the spoils until his colleagues could come up, saying that their armies had helped to capture Anxur by diverting the rest of the Volsci from the defence of that place. When they arrived, the three armies sacked the town, which long years of prosperity had filled with riches. It was this generous treatment on the part of their commanders which first reconciled the plebs to the patricians. In addition to this the senate then granted the people the most seasonable boon which has ever been bestowed on them by the chiefs of the state, when they decreed, without waiting for any suggestion by the plebs or their tribunes, that the soldiers should be paid from the public treasury, whereas till then every man had served at his own costs. B.C. 406

LX. Nothing, it is said, was ever welcomed by

A.U.C. 348 traditur. Concursum itaque ad curiam esse prensa-
tasque exeuntium manus et patres vere appellatos,
effectum esse fatentibus ut nemo pro tam munifica
patria, donec quicquam virium superesset, corpori
2 aut sanguini suo parceret. Cum commoditas iuvaret
rem familiarem saltem adquiescere eo tempore quo
corpus addictum atque operatum rei publicae esset,
tum quod ultro sibi oblatum esset, non a tribunis
plebis unquam agitatum, non suis sermonibus
efflagitatum, id efficiebat multiplex gaudium cumu-
3 latioremque gratiam rei. Tribuni plebis, communis
ordinum laetitiae concordiaeque soli expertes, negare
tam id laetum patribus civibus universis[1] nec
prosperum fore quam ipsi crederent. Consilium
specie prima melius fuisse quam usu appariturum.
4 Unde enim eam pecuniam confici posse nisi tributo
populo indicto? Ex alieno igitur aliis largitos.
Neque id etiamsi ceteri ferant passuros eos, quibus
iam emerita stipendia essent, meliore condicione alios
militare quam ipsi militassent, et eosdem in sua
5 stipendia impensas fecisse et in aliorum facere. His
vocibus moverunt partem plebis. Postremo indicto
iam tributo edixerunt etiam tribuni auxilio se
futuros si quis in militare stipendium tributum non

[1] patribus nec prosperum civibus universis *Conway*: patribus uniuersis nec prosperum Ω: partibus uniuersis nec prosperum *U*.

the plebs with such rejoicing. Crowds gathered at the Curia and men grasped the hands of the senators as they came out, saying that they were rightly called Fathers, and confessing that they had brought it to pass that no one, so long as he retained a particle of strength, would grudge his life's blood to so generous a country. Not only were they pleased at the advantage that their property would at least not diminish while their bodies were impressed for the service of the state, but the voluntary character of the offer, which had never been mooted by plebeian tribunes nor extorted by any words of their own, multiplied their satisfaction and increased their gratitude. The tribunes of the plebs were the only persons who did not partake in the general joy and good-feeling of both orders. They said that the measure would neither be so agreeable to the Fathers nor so favourable to the whole body of the citizens as the latter believed; it was a plan which at first sight had promised to be better than experience would prove it. For where, they asked, could the money be got together, save by imposing a tribute on the people? The senators had therefore been generous at other men's expense; and even though everyone else should submit to it, those who had already earned their discharge would not endure that others should serve on better terms than they had themselves enjoyed, and that the same men who had paid their own expenses should also contribute to the expenses of others. By these arguments they influenced a part of the plebs. Finally, when the assessment had already been proclaimed, the tribunes even announced that they would protect anybody who should refuse to contribute to a tax for paying the soldiers. The B.C. 406

A.U.C. 348 6 contulisset. Patres bene coeptam rem perseveranter tueri; conferre ipsi primi, et quia nondum argentum signatum erat, aes grave plaustris quidam ad aerarium convehentes speciosam etiam conlationem
7 faciebant. Cum senatus summa fide ex censu contulisset, primores plebis, nobilium amici, ex
8 composito conferre incipiunt. Quos cum et a patribus conlaudari et a militari aetate tamquam bonos cives conspici volgus hominum vidit, repente spreto tribunicio auxilio certamen conferendi est ortum.
9 Et lege perlata de indicendo Veientibus bello exercitum magna ex parte voluntarium novi tribuni militum consulari potestate Veios duxere.

A.U.C. 349–350 LXI. Fuere autem tribuni T. Quinctius Capitolinus Q. Quinctius Cincinnatus C. Iulius Iulus[1] iterum A. Manlius L. Furius Medullinus tertium M'.
2 Aemilius Mamercus. Ab iis primum circumsessi Veii sunt. Sub cuius initium obsidionis cum Etruscorum concilium ad fanum Voltumnae frequenter habitum esset, parum constitit bellone publico gentis
3 universae tuendi Veientes essent. Ea oppugnatio segnior insequenti anno fuit, parte tribunorum exercitusque ad Volscum avocata bellum.
4 Tribunos militum consulari potestate is annus habuit C. Valerium Potitum tertium M'. Sergium Fidenatem P. Cornelium Maluginensem Cn. Cornelium Cossum C. Fabium Ambustum Sp. Nautium

[1] Iulius Iulus *Sigonius* (*C.I.L.* i^2, *p.* 114): iulius tullus Ω.

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[1] The elder Pliny (*N. H.* xxxiii. 42) says that the Romans did not use coined silver until the defeat of King Pyrrhus (275 B.C.)

Fathers had made a good beginning and persevered B.C. 406
in supporting it. They were themselves the first to contribute, and since there was as yet no silver coinage,[1] some of them brought uncoined bronze in waggons to the treasury, and even made a display of their contributing. After the senators had paid most faithfully, according to their rating, the chief men of the plebs, friends of the nobles, began, as had been agreed, to bring in their quota. When the crowd saw that these men were applauded by the patricians and were looked upon as good citizens by those of military age, they quickly rejected the protection of the tribunes and vied with one another who should be the first to pay. And on the law being passed declaring war on the Veientes, an army consisting in great part of volunteers marched, under command of the new military tribunes, upon that city.

LXI. Now the tribunes were Titus Quinctius B.C. 405–404
Capitolinus, Quintus Quinctius Cincinnatus, Gaius Julius Iulus (for the second time), Aulus Manlius, Lucius Furius Medullinus (for the third time), and Manius Aemilius Mamercus. By them Veii was for the first time besieged. Shortly after this siege began, the Etruscans held a numerously attended council at the shrine of Voltumna, but could reach no decision as to whether the entire nation should go to war in defence of the Veientes. The siege languished during the year that followed, for some of the tribunes and a part of the army were called away to fight the Volsci.

The military tribunes with consular powers for this year were Gaius Valerius Potitus (for the third time), Manius Sergius Fidenas, Publius Cornelius Maluginensis, Gnaeus Cornelius Cossus, Gaius Fabius Ambustus, and (for the second time) Spurius Nautius

A.U.C. 349-350

5 Rutulum[1] iterum. Cum Volscis inter Ferentinum
6 atque Ecetram[2] signis conlatis dimicatum; Romanis
secunda fortuna pugnae fuit. Artena inde, Vols-
corum oppidum, ab tribunis obsideri coepta. Inde
inter eruptionem temptatam compulso in urbem
hoste occasio data est Romanis inrumpendi, praeter-
que[3] arcem cetera capta; in arcem munitam natura
globus armatorum concessit; infra arcem caesi
7 captique multi mortales. Arx deinde obsidebatur;
nec aut vi capi poterat, quia pro spatio loci satis
praesidii habebat, aut spem dabat deditionis omni
publico frumento priusquam urbs caperetur in arcem
8 convecto; taedioque recessum inde foret, ni servus
arcem Romanis prodidisset. Ab eo milites per locum
arduum accepti cepere; a quibus cum custodes
trucidarentur, cetera multitudo repentino pavore
9 oppressa in deditionem venit. Diruta et arce et
urbe Artena, reductae legiones ex Volscis, omnisque
10 vis Romana Veios conversa est. Proditori praeter
libertatem duarum familiarum bona in praemium
data; Servius Romanus vocitatus. Sunt qui Artenam
11 Veientium, non Volscorum, fuisse credant. Praebet
errorem quod eiusdem nominis urbs inter Caere
atque Veios fuit; sed eam reges Romani delevere,
Caeretumque, non Veientium fuerat; altera haec
nomine eodem in Volsco agro fuit, cuius excidium
est dictum.

[1] Rutulum *as at chap.* xxxv. § 4: rutilum *L*: rutilium Ω.
[2] Ecetram *a*²: eceteram Ω*a*: et ceteram *B*: e cetere *L*.
[3] praeterque ς: praeterquam Ω: propterquam *B*.

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[1] Later it was the custom to give a slave thus manumitted by the state the name of the officiating magistrate.
[2] Livy does not mention the incident in Book I.

B.C. 405-404

Rutulus. A pitched battle was fought with the Volsci between Ferentinum and Ecetra, in which fortune favoured the Romans. The tribunes then laid siege to Artena, a Volscian town. While attempting a sortie the enemy were driven back into the city and afforded the Romans an opportunity of forcing an entrance, so that the whole place, except the citadel, was captured; to this fortress, which was naturally strong, a band of armed men retired; below the citadel a large number were killed or taken prisoner. The citadel was then besieged, but could neither be taken by assault, having a sufficient garrison in proportion to its area, nor appeared likely to surrender, for the whole public store of grain had been conveyed into the fortress before the capture of the town. The Romans would have withdrawn, discouraged, had not a slave betrayed the place into their hands. This man admitted some soldiers by way of a steep approach, and they captured it and slew the sentries; whereupon the rest of the garrison was seized with a sudden panic and surrendered. After demolishing the citadel and the town of Artena, the legions were withdrawn from the Volsci and all the might of Rome was brought to bear upon Veii. The traitor was given the property of two families as a reward, besides his liberty, and was named Servius Romanus.[1] There are those who think that Artena had belonged to the Veientes, not to the Volsci. Their mistake is due to the fact that there was a city of the same name between Caere and Veii; but this place was destroyed by the Roman kings,[2] and it had been a dependency of Caere, not of Veii; the other town of the same name, whose overthrow I have just related, was in Volscian territory.

Lex de conubio patrum et plebis a tribunis contentione magna patribus repugnantibus perlata est. Tribuni * * plebis. Aliquot annos res populi R. domi militiaeque per hoc genus magistratus administratae sunt. Item censores tunc primum creati sunt. Ager Ardeatibus[1] populi iudicio ablatus missis in eum colonis restitutus est. Cum fame populus R. laboraret, Sp. Maelius eques R. frumentum populo sua inpensa largitus est et ob hoc factum conciliata sibi plebe regnum adfectans a C.[2] Servilio Ahala magistro equitum iussu Quinti Cincinnati dictatoris occisus est; L. Minucius[3] index bove aurata donatus est. Legatis Romanorum a Fidenatibus occisis, quoniam ob rem p. morte occubuerant, statuae in rostris positae sunt. Cossus Cornelius tribunus militum occiso Tolumnio, Veientum rege, opima spolia secunda rettulit. Mam. Aemilius[4] dictator censurae honorem, qui antea per quinquennium gerebatur, anni et sex mensum spatio finît; ob eam rem a censoribus notatus est. Fidenae in potestatem redactae eoque[5] coloni missi sunt; quibus occisis Fidenates cum defecissent, ab Mam. Aemilio[6] dictatore victi sunt et Fidenae captae. Coniuratio servorum oppressa est. Postumius tribunus militum propter crudelitatem ab exercitu occisus est. Stipendium ex aerario tum primum militibus datum est. Res praeterea gestas adversus Vulscos et Fidenates et Faliscos[7] continet.

[1] Ardeatibus *Delrius*: ardeatinus (*or* ardeatinis) *MSS.*
[2] a C. *edd.*: ex (*or* et) *MSS.*
[3] L. Minucius *editio princeps*: T. minucius (*or* minutius) *MSS.*
[4] Mam. Aemilius *Drakenborch*: m. aemilius *MSS.*
[5] eoque *editio princeps*: eaque *MSS.*
[6] Mam Aemilio *Drakenborch*: m. aemilio (*or simply* emilio) *MSS.*
[7] Faliscos *edd.*: labs cos (*or* labascos *or* babscos) *MSS.*

A law about the marriage of patricians and plebeians was carried by the tribunes, after a violent struggle, against the opposition of the patricians. The tribunes . . .[1] of the plebs. For some years the affairs of the Roman People at home and in the field were administered through this kind of magistracy. Likewise censors were then elected for the first time. The land taken from the Ardeates by the decision of the people was restored and colonists were sent out to it. When the Roman People was in sore straits on account of a famine, Spurius Maelius, a Roman knight, distributed corn to the people at his own expense. Having by this act gained the favour of the plebs, he aimed at royal power and was killed by Gaius Servilius Ahala, the master of the horse, at the command of the dictator Quintus[2] Cincinnatus; Lucius Minucius gave evidence against him and was presented with a gilded ox. When the envoys of the Romans had been slain by the Fidenates, because they had fallen in the service of the state, statues were erected to them on the rostra. Cornelius Cossus, the military tribune, killed Tolumnius, king of the Veientes, and returned with the second spoils of honour. Mamercus Aemilius, the dictator, limited the office of censor, which was wont to be held for five years, to the period of eighteen months; for this he was stigmatized by the senators. Fidenae was subjugated and colonists were sent thither; the Fidenates, having slain these men and revolted, were defeated by Mamercus Aemilius the dictator, and Fidenae was captured. A conspiracy of the slaves was suppressed. Postumius, the military tribune, was for his cruelty put to death by his army. Pay from the public treasury was then for the first time given the soldiers. It contains also campaigns waged against the Volsci and the Fidenates and the Faliscans.

[1] The institution of military tribunes was evidently recorded in the words that have been lost.
[2] A mistake for Quinctius.

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